

1 LAURA MARQUEZ-GARRETT, Esq. (SBN 221542)

2 [laura@socialmediavictims.org](mailto:laura@socialmediavictims.org)

3 SOCIAL MEDIA VICTIMS LAW CENTER

4 821 Second Avenue, Suite 2100

5 Seattle, WA 98104

6 Telephone: (206) 741-4862

7 Facsimile: (206) 957-9549

8 KEVIN M. LOEW, Esq. (SBN 238080)

9 [kloew@waterskraus.com](mailto:kloew@waterskraus.com)

10 WATERS, KRAUS & PAUL

11 222 North Pacific Coast Hwy, Suite 1900

12 El Segundo, California 90245

13 Telephone: (310) 414-8146

14 Facsimile: (310) 414-8156

15 Attorneys for Plaintiffs

16 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **FOR THE COUNTY OF LOS ANGELES**

18 D.S., K.R., and K.S.,

19 Plaintiffs,

20 vs.

21 TIKTOK INC.; BYTEDANCE INC.; and  
22 DOES 1 through 100, INCLUSIVE,

23 Defendants

Case No.:

**COMPLAINT FOR PERSONAL  
INJURIES**

**JURY DEMAND**

24 COME NOW PLAINTIFFS D.S., K.R., and K.S., and allege as follows:

25 In these digital public spaces, which are privately owned and tend to be run for  
26 profit, there can be tension between what’s best for the technology company and  
27 what’s best for the individual user or for society. Business models are often built  
28 around maximizing user engagement as opposed to safeguarding users’ health and  
ensuring that users engage with one another in safe and healthy ways. . . .  
Technology companies must step up and take responsibility for creating a safe  
digital environment for children and youth.

United States Surgeon General’s Advisory December 7, 2021

Plaintiffs D.S., K.R., and K.S. (collectively, “Plaintiffs”) bring this action for personal injuries  
against TikTok Inc. and ByteDance Inc. (collectively, “TikTok”) for injuries caused to each of them

1 because of K.S.’s use of the TikTok social media product and allege as follows:

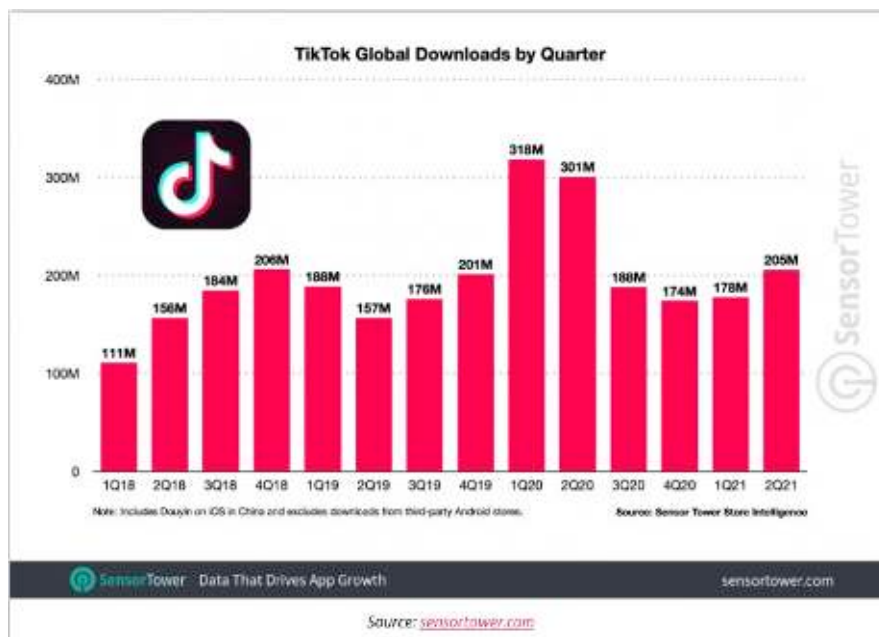
2 **I. INTRODUCTION**

3 1. This product liability action seeks to hold TikTok responsible for causing and contributing  
4 to the burgeoning mental health crisis perpetrated upon the children and teenagers in the United States  
5 by TikTok and, specifically, for personal injuries caused to Plaintiffs D.S., K.R., and K.S. caused by  
6 K.S.’s harmful use of and exposure to TikTok’s unreasonably dangerous and defective social media  
7 product.

8 2. On December 7, 2021, the United States Surgeon General issued an advisory cataloging  
9 extensive evidence showing a dramatic increase in teen mental health crises including suicides, attempted  
10 suicides, and inpatient mental-health admissions. Between 2007 and 2018, for example, suicide rates  
11 among youth ages twelve to sixteen in the U.S. increased a staggering 146 percent. Incidence of serious  
12 depression and dissatisfaction with life in this age group have likewise increased dramatically.

13 3. The most significant and far-reaching change to the lives of young people during this  
14 period was the widespread adoption of mobile social media platforms and, for purposes of this litigation,  
15 the TikTok product designed and distributed by Defendants.

16 4. TikTok’s popularity surged when the COVID pandemic began,



1           5.       Currently, millions of children and teenagers spend hours throughout the day and night  
2 using TikTok’s social media product. The way TikTok works is that its product features first engage and  
3 hook underage users, like K.S., then its proprietary and patented technology identifies, amplifies, and  
4 serves up inherently harmful and dangerous advertisements and user content to increase engagement,  
5 particularly among teens, and TikTok advertising revenue.

6           6.       According to TikTok, its proprietary technology is “a recommendation system that  
7 delivers content to each user that is likely to be of interest to that particular user...each person’s feed is  
8 unique and tailored to that specific individual.” TikTok is not simply making content sorting decisions  
9 for a newspaper with an 85 million readership. It is specifically targeting each of the 85 million U.S.  
10 TikTok users, and determining on a person-by-person basis what content is most likely to addict them;  
11 what application features and actions are most likely to keep them re-opening and staying on the product  
12 for the longest possible time, up to and including 24 hours a day, seven days a week; what presentation  
13 format, volume, speed, notifications, and content subject matter is most likely to put TikTok in a position  
14 of exerting control over 85 million active U.S. users.

15           7.       TikTok specifically curates and aims harmful and dangerous content at children, like K.S.,  
16 to create dependencies and keep them on its product longer.

17           8.       TikTok has invested billions of dollars to intentionally design and develop its product to  
18 encourage, enable, and push content to teens and children that TikTok knows to be problematic and  
19 highly detrimental to its minor users’ mental health. TikTok has invested billions of dollars to  
20 intentionally design its products to be addictive as well. TikTok knows that large numbers of its users are  
21 engaging in problematic use of its product and, likewise, that its product is harming large numbers of its  
22 users—in the precise manner it harmed K.S.

23           9.       The problematic use identified in the medical literature is precisely the type of use TikTok  
24 has designed its product to encourage through psychological manipulation techniques—sometimes  
25 referred to as persuasive design—that is well-recognized to cause the hallmarks of clinical addiction.

26           10.      Plaintiffs bring claims of strict product liability based upon TikTok’s defective design of  
27 its social media product that renders such product addictive and not reasonably safe for ordinary  
28

1 consumers and minor users. It is technologically feasible for TikTok to design social media products,  
2 features, and setting that substantially decrease both the incidence and magnitude of harm to ordinary  
3 consumers and minors arising from their foreseeable use of TikTok’s social media product with a  
4 negligible increase in production cost.

5 11. Plaintiffs also bring claims for strict liability based on TikTok’s failure to provide  
6 adequate warnings to minor users and their parents of the danger of mental, physical, and emotional  
7 harms arising from foreseeable use of its social media product. The addictive quality of the TikTok  
8 product and TikTok’s harmful algorithms are not fully known or appreciated by minor users or their  
9 parents.

10 12. Plaintiffs also bring claims for common law negligence arising from TikTok’s  
11 unreasonably dangerous social media product and its failure to warn of such dangers. TikTok knew, or  
12 in the exercise of ordinary care should have known, that its social media product is addictive to young  
13 users and directs them to highly dangerous content promoting self-harm and that it provides adult users  
14 with unsupervised and virtually unfettered access to minors through its direct messaging and relating  
15 algorithm features. Yet TikTok failed to re-design its product to ameliorate these harms or warn minor  
16 users and their parents of dangers arising out of the foreseeable use of the TikTok product. In other words,  
17 TikTok intentionally created an attractive nuisance to young children, but failed to provide adequate  
18 safeguards from the harmful effects it knew were occurring on its wholly owned and controlled digital  
19 premises.

20 13. Plaintiffs also bring claims under California’s Unfair Competition Law (“UCL”), Cal.  
21 Bus. & Prof. Code, §§17200, *et seq.* The conduct and omissions alleged herein constitute unlawful,  
22 unfair, and/or fraudulent business practices prohibited by the UCL.

23 14. Plaintiffs also bring a claim for unjust enrichment. Defendants received a direct benefit  
24 from K.S.’s problematic and harmful use of their product. Under the circumstances stated herein, it would  
25 be unjust and inequitable for TikTok to retain those ill-gotten benefits.

26 15. Finally, Plaintiffs bring claims for invasion of privacy. Defendants’ conduct detailed  
27 herein frustrated and intruded upon Plaintiffs D.S. and K.R.’s fundamental rights to protect their child  
28

1 and to monitor and control their child’s use of social media, and this intrusion occurred in a manner that  
2 was highly offensive to a reasonable person.

3 **II. PARTIES**

4 16. Plaintiffs D.S. and K.R. are K.S.’s parents and legal guardians. K.S. is currently only 13  
5 years old and began suffering harms caused by the TikTok product before she turned 13, and without her  
6 parents’ knowledge or consent.

7 17. D.S. and K.R. have not entered into a User Agreement or other contractual relationship  
8 with TikTok herein in connection with K.S.’s use of the TikTok social media product. Plaintiffs are not  
9 bound by any arbitration, forum selection, choice of law, or class action waiver set forth in said User  
10 Agreements. As K.S.’s parents and legal guardians, Plaintiffs expressly disaffirm all User Agreements  
11 with TikTok into which K.S. may have entered.

12 18. Defendant TikTok Inc. is a California corporation with its principal place of business in  
13 Culver City, CA. Defendant TikTok owns and operates the TikTok social media platform, an application  
14 that is widely marketed by TikTok and available to users throughout the United States.

15 19. At all times relevant hereto, Defendant TikTok Inc. was acting by and through its  
16 employees, servants, agents, workmen, and/or staff, all of whom were acting within the course and scope  
17 of their employment, for and on behalf of TikTok Inc.

18 20. Defendant ByteDance Inc. is a Delaware corporation with its principal place of business  
19 in Mountain View, CA. Defendant ByteDance owns TikTok Inc., and owns/operates the TikTok social  
20 media platform.

21 21. At all times relevant hereto, Defendant ByteDance Inc. was acting by and through its  
22 employees, servants, agents, workmen, and/or staff, all of whom were acting within the course and scope  
23 of their employment, for and on behalf of ByteDance Inc.

24 22. TikTok is highly integrated with its Chinese parent, ByteDance. TikTok’s engineering  
25 manager works on both TikTok and ByteDance’s similar Chinese app, Douyin. TikTok’s development  
26 processes are closely intertwined with Douyin’s processes. TikTok employees are also deeply interwoven  
27 into ByteDance’s ecosystem. They use a ByteDance product called Lark, a corporate internal  
28

1 communications system like Slack but with aggressive performance-management features aimed at  
2 forcing employees to use the system more.

### 3 III. JURISDICTION AND VENUE

4 23. This Court has personal jurisdiction over Defendants because TikTok Inc. and ByteDance  
5 Inc. have their principal places of business in California and are “at home” in this State.

6 24. Venue is proper in this Los Angeles County because TikTok is headquartered here.

### 7 IV. FACTUAL ALLEGATIONS

#### 8 A. TikTok’s Applications Are Products

9 1. TikTok is a video sharing social media application where users create, share, and view  
10 short video clips. Known in China as Douyin, TikTok hosts a variety of short-form user videos, from  
11 genres like pranks, stunts, tricks, jokes, dance, and entertainment with durations from 15 seconds to ten  
12 minutes. TikTok is the international version of Douyin, which was originally released in the Chinese  
13 market in September 2016. In 2017, TikTok was launched for iOS and Android in most markets outside  
14 of mainland China; however, it became available worldwide only after merging with another Chinese  
15 social media service, Musical.ly, on August 2, 2018.

16 2. TikTok has been downloaded more than 130 million times in the U.S. and it was ranked  
17 by Cloudflare as the most popular website of 2021. “TikTok was the world’s most-visited website in  
18 2021, overtaking YouTube in US watch time and Facebook in app downloads for the first time.”<sup>1</sup>

19 3. TikTok exclusively controls and operates the TikTok platform for profit, which creates  
20 advertising revenue through maximizing the amount of time users spend on the platform and their level  
21 of engagement. The greater the amount of time that young users spend on TikTok, the greater the  
22 advertising revenue TikTok earns.

23 4. Users on TikTok who open the TikTok application are automatically shown an endless  
24 stream of videos selected by TikTok’s technology to show content on each user’s For You Page (“FYP”)  
25 based upon each user’s demographics, likes, prior activity on the app, and other factors and data points  
26 known only to TikTok.

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27 <sup>1</sup> Emily Baker-White, *Inside Project Texas, TikTok’s Big Answer To US Lawmakers’ China Fears*, BuzzFeed, Mar.  
28 10, 2022, <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-project-texas-bytedance-user-data>

1           5.       In addition, TikTok’s technology uses individualized user data and demographic  
2 information gleaned from third party sources and statistical data, as well as other data points collected by  
3 TikTok, in directing users to specific content.

4           6.       TikTok is a social media product designed to be used by children and actively marketed  
5 to children across the United States. In fact, K.S. recalls several examples of TikTok commercials she  
6 has seen over the last two years, both on television and the internet. TikTok’s advertising include things  
7 like families dancing, and dogs jumping in the air. It is targeted to teens and pre-teens, like K.S. In this  
8 way TikTok markets to minors through its own marketing efforts.

9           7.       However, on information belief, TikTok also works with and encourages advertisers to  
10 create ads that will appeal to teens and pre-teens. And TikTok spends millions finding ways to make its  
11 product more appealing and addictive to minors, as children and teens are seen as the key to TikTok’s  
12 long-term profitability and market dominance.

13          8.       Prior to 2019, TikTok was sued by the Federal Trade Commission for alleged violations  
14 of the Children’s Online Privacy Act (“COPPA”), which lawsuit was settled in or around February of  
15 2019 with “a record fine for child privacy violation.”<sup>2</sup> As part of that settlement, TikTok agreed to make  
16 “major changes,” aimed at preventing COPPA violations and protecting children who might otherwise  
17 obtain access to its social media product,<sup>3</sup>

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27 <sup>2</sup> <https://www.nytimes.com/2019/02/27/technology/ftc-tiktok-child-privacy-fine.html>

28 <sup>3</sup> <https://www.nytimes.com/2020/05/14/technology/tiktok-kids-privacy.html>

1 Last year, TikTok [agreed to make major changes](#) to settle charges  
2 that one of its predecessor companies, Musical.ly, had violated the  
3 federal [children's online privacy law](#). The alleged violations  
4 included collecting names, email addresses, videos and other  
5 personal information from users under the age of 13 without a  
6 parent's consent.

7 [Federal regulators said](#) at the time that the app had made users'  
8 information public by default, which meant that a child's user  
9 name, picture and videos could be seen by others. The agency also  
10 said adults had used the video-sharing app to try to message  
11 children.

12 As part of the settlement, the video-sharing app agreed to obtain a  
13 parent's permission before collecting their child's personal  
14 information. It also agreed to delete personal information,  
15 including videos, of any children identified as younger than 13 and  
16 to remove videos and other personal details of users whose ages  
17 were unknown.

18 9. Upon information and belief, TikTok is in violation of those agreements with the FTC,  
19 including in the manner and for the specific reasons set forth in this Complaint.

20 10. TikTok is aware that large numbers of children under the age of 13 use its product despite  
21 COPPA's prohibitions, as well as TikTok's user terms and/or community standards, which purport to  
22 restrict use to individuals who are 13 and older.

23 11. TikTok also is aware that large numbers of children under the age of 18 use its product  
24 without parental consent, despite its own user terms, which purport to require consent,<sup>4</sup>

25 The Terms form a legally binding agreement between you and us. Please take the time to read them  
26 carefully. If you are under age 18, you may only use the Services with the consent of your parent or legal  
27 guardian. Please be sure your parent or legal guardian has reviewed and discussed these Terms with  
28 you.

12. TikTok also now restricts Direct Messaging settings with minors (which it did not do  
when K.S. first began using the TikTok product), yet still purposefully identifies and directs the type of  
incredibly harmful content to those same young children it claims to be protecting.

13. These are only a few examples of ways in which TikTok fails to enforce its own purported  
terms, to the detriment of minor users and their parents – and specifically, to the detriment of Plaintiffs  
in this case. Moreover, it designs its product in a manner that allows and/or does not prevent such

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<sup>4</sup> TikTok's posted Terms of Service as of June 16, 2022.



1 unauthorized use to increase user engagement and, thereby, its own profits.

2 14. Further, in instances where TikTok has actual and/or constructive knowledge of underage  
3 users opening accounts, posting, and otherwise using its social media product, TikTok fails to take  
4 reasonable steps to prevent and protect against such harmful and unauthorized use.

5 **B. TikTok Designed its Product to be Addictive**

6 15. TikTok has designed its algorithms to addict users and cause them to spend as much time  
7 on the application as possible through advanced analytics that create a variable reward system tailored to  
8 user's viewing habits and interests.

9 16. There are four main goals for TikTok's algorithm: which the company translates as "user  
10 value," "long-term user value," "creator value," and "platform value."

11 17. An internal TikTok document entitled "TikTok Algo 101" was created by TikTok's  
12 engineering team in Beijing and offers details about both the product's mathematical core and insight  
13 into the company's understanding of human nature. The document explains frankly that in the pursuit of  
14 the company's "ultimate goal" of adding daily active users, TikTok has chosen to optimize for two  
15 closely related metrics in the stream of videos it serves: "retention" — that is, whether a user comes back  
16 — and "time spent." The document offers a rough equation for how videos are scored, in which a  
17 prediction driven by machine learning and actual user behavior are summed up for each of three bits of  
18 data: likes, comments and playtime, as well as an indication that the video has been played.<sup>5</sup>

19 18. A recent Wall Street Journal report revealed how TikTok relies heavily on how much time  
20 users spend watching each video to steer them toward more videos that will keep them scrolling, and that  
21 process can sometimes lead young viewers down dangerous rabbit holes toward content that promotes  
22 suicide or self-harm.

23 19. TikTok purports to have a minimum age requirement of 13-years-old but does little to  
24 verify user's age or enforce its age limitations despite having actual knowledge that use by underage  
25 users is widespread. TikTok knows that hundreds of thousands of children as young as six years old are  
26 currently using its social media product but undertakes no attempt to identify such users and terminate

27  
28 <sup>5</sup> <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>

1 their usage. On information and belief, the reason TikTok has not sought to limit usage of its social media  
2 product by young children is because it would diminish the advertising revenue TikTok earns through  
3 such users. TikTok also does not seek parental consent for underage users or provide any warnings or  
4 controls that would allow parents to monitor and limit the use of TikTok by their children, despite  
5 TikTok’s own current Terms of Service claiming that users under the age of 18 require parental consent  
6 to use its product. TikTok could quickly and reasonably implement tools to verify age and identity of its  
7 users but knows that doing so would result in the loss of millions of current TikTok users—due to some  
8 being under the age of 13 and others not having parental consent.

9         20.     Until mid 2021, TikTok by default made all users profiles “public,” meaning that  
10 strangers, often adults, could view and message underage users of the TikTok app. This is an inherently  
11 harmful product feature, particularly when combined with TikTok’s failure to enforce legal and self-  
12 imposed age limitations, as it makes small children available to predatory TikTok users in a manner that  
13 actively interferes with parental oversight and involvement and puts them in an inherently vulnerable and  
14 dangerous position. K.S. received “Follow” requests from multiple TikTok users she did not know and  
15 could not determine how they found her – which they did *because* of TikTok’s product features, as  
16 described herein.

17         21.     TikTok does not seek parental consent for underage users or provide any warnings or  
18 controls that would allow parents to monitor and limit the use of TikTok by their children.

19         22.     TikTok has developed images and memes to enact images for users to decorate the snap  
20 pictures or videos they post. TikTok has also developed memes and other images for users to apply to  
21 images they post on TikTok. TikTok also has acquired publication rights to music that its users can  
22 incorporate in the pictures and videos they post on TikTok. Again, these images, memes, and even music  
23 are geared toward TikTok’s youngest users.

24         23.     When users incorporate images, memes and music supplied by TikTok into their postings,  
25 TikTok becomes a co-publisher of such content. A TikTok user who incorporates images, memes and  
26 musical content supplied by TikTok into their posts is functionally equivalent to a novelist who  
27 incorporates illustrations into her story. TikTok can no longer characterize the images, memes, and  
28

1 musical content it supplies to its users as third-party content as the novelist can disclaim responsibility  
2 for illustrations contained in her book.

3 24. TikTok has developed artificial intelligence technology that detects adult users of TikTok  
4 who send sexually explicit content to children and receive sexually explicit images from children. This  
5 technology furnishes TikTok with actual knowledge that a significant number of minor TikTok users are  
6 solicited to and send sexually explicit photos and videos of themselves to adult users in exchange for  
7 consideration in violation of 18 U.S.C. § 1591(a)(1)–B.

8 **C. TikTok’s Business Model is Based on Maximizing User Screen Time**

9 25. TikTok advertises its product as “free,” because it does not charge users for downloading  
10 or using the product. What many users do not know is that, in fact, TikTok makes its astronomical profits  
11 by targeting advertisements and harmful content to young users and by finding unique and increasingly  
12 dangerous ways to keep those young users hooked on its social media product. TikTok receives revenue  
13 from advertisers who pay a premium to target advertisements to specific demographic groups of TikTok  
14 users including, and specifically, users under the age of 18. TikTok also receives revenue from selling its  
15 users’ data, including data belonging to users under the age of 13, to third-parties.

16 26. The amount of revenue TikTok receives is based upon the amount of time and user  
17 engagement on its platform, which directly correlates with the number of advertisements that can be  
18 shown to each user.

19 27. TikTok is designed around a series of design features that do not add to the communication  
20 and communication utility of the application, but instead seek to exploit users’ susceptibility to persuasive  
21 design and unlimited accumulation of unpredictable and uncertain rewards, including “likes,”  
22 “followers” and “views.” In the hands of children, this design is unreasonably dangerous to the mental  
23 well-being of underage users’ developing minds.

24 28. According to industry insiders, TikTok has employed thousands of engineers to help make  
25 the TikTok product maximally addicting. For example, TikTok’s “pull to refresh” is based on how slot  
26 machines operate. It creates an endless feed, designed to manipulate brain chemistry, and prevent natural  
27 end points that would otherwise encourage users to move on to other activities.

1           29.     TikTok does not warn users of the addictive design of the TikTok product. On the  
2 contrary, TikTok actively tries to conceal the dangerous and addictive nature of its product, lulling users  
3 and parents into a false sense of security. This includes consistently playing down its product’s negative  
4 effects on teens in public statements and advertising, making false or materially misleading statements  
5 concerning product safety, marketing TikTok as a family application that is fun and safe for all ages (it  
6 aims its commercials primarily at children), and refusing to make its research public or available to  
7 academics or lawmakers who have asked for it.

8           30.     TikTok engineers its social media product to keep users, and particularly young users,  
9 engaged longer and coming back for more. This is referred to as “engineered addiction,” and examples  
10 include features like bottomless scrolling, tagging, notifications, and live stories

11           **D. TikTok Has Designed Complex Algorithms to Addict Young Users**

12           31.     TikTok has intentionally designed its product to maximize users’ screen time, using  
13 complex technologies designed to exploit human psychology and driven by the most advanced computer  
14 algorithms and artificial intelligence available to some of the largest technology companies in the world.

15           32.     TikTok designed and progressively modified its product to promote excessive use.

16           33.     One of these features present in TikTok is the use of complex technologies to select and  
17 amplify content that is provided to users in an unlimited and never ending “feed.” TikTok is well-aware  
18 that its algorithm-controlled feeds promote unlimited “scrolling”—a type of use studies have identified  
19 as detrimental to users’ mental health – however, TikTok maintains this harmful product feature as it  
20 allows TikTok to display more advertisements and, thus, obtain more revenue.

21           34.     TikTok has also designed its algorithm-controlled feeds to identify and amplify content  
22 most likely to increase user engagement, which often means content that TikTok knows to be harmful to  
23 their users – even and especially in the case of minor users, like K.S. This is content users might otherwise  
24 never see but for TikTok affirmative pushing such content to their accounts.

25           35.     The addictive nature of TikTok’s product and the complex and psychologically  
26 manipulative design of its algorithms is unknown to ordinary users.

27 //

1           36.     TikTok goes to significant lengths to prevent transparency, including posing as a “free”  
2 social media platform, burying advertisements in personalized content, and making public statements  
3 about the safety of the TikTok product that simply are not true.

4           37.     TikTok also has developed unique product features designed to limit and has in other ways  
5 limited parents’ ability to monitor and prevent problematic use by their children.

6           38.     The technologies that render TikTok’s social product addictive are designed to be content  
7 neutral. They adapt to the social media activity of individual users to promote whatever content will  
8 trigger a particular user’s interest and maximize their screen time. TikTok’s algorithm designs do not  
9 distinguish, rank, discriminate or prioritize between types of content on their social media platforms. If  
10 User One is triggered by elephants and User Two is triggered by moonbeams, TikTok’s algorithm design  
11 will identify and amplify elephant content to User One and moonbeam content to User Two. TikTok’s  
12 above-described algorithms are solely quantitative devices and make no qualitative distinctions between  
13 the nature and type of content they identify and serve up to users.

14           **E. Young Users’ Incomplete Brain Development Renders Them Particularly Susceptible to**  
15           **Manipulative Algorithms with Diminished Capacity to Eschew Self- Destructive Behaviors**  
16           **and Less Resiliency to Overcome Negative Social Media Influences**

17           39.     The human brain is still developing during adolescence in ways consistent with  
18 adolescents’ demonstrated psychosocial immaturity. Specifically, adolescents’ brains are not yet fully  
19 developed in regions related to risk evaluation, emotional regulation, and impulse control.

20           40.     The frontal lobes - and in particular the prefrontal cortex - of the brain play an essential  
21 part in higher-order cognitive functions, impulse control and executive decision- making. These regions  
22 of the brain are central to the process of planning and decision-making, including the evaluation of future  
23 consequences and the weighing of risk and reward. They are also essential to the ability to control  
24 emotions and inhibit impulses. MRI studies have shown that the prefrontal cortex is one of the last regions  
25 of the brain to mature.

26           41.     During childhood and adolescence, the brain is maturing in at least two major ways. First,  
27 the brain undergoes myelination, the process through which the neural pathways connecting different  
28 parts of the brain become insulated with white fatty tissue called myelin. Second, during childhood and

1 adolescence, the brain is undergoing “pruning” - the paring away of unused synapses, leading to more  
2 efficient neural connections. Through myelination and pruning, the brain’s frontal lobes change to help  
3 the brain work faster and more efficiently, improving the “executive” functions of the frontal lobes,  
4 including impulse control and risk evaluation. This shift in the brain’s composition continues throughout  
5 adolescence and continues into young adulthood.

6 42. In late adolescence, important aspects of brain maturation remain incomplete, particularly  
7 those involving the brain’s executive functions and the coordinated activity of regions involved in  
8 emotion and cognition. As such, the part of the brain that is critical for control of impulses and emotions  
9 and mature, considered decision-making is still developing during adolescence, consistent with the  
10 demonstrated behavioral and psychosocial immaturity of juveniles.

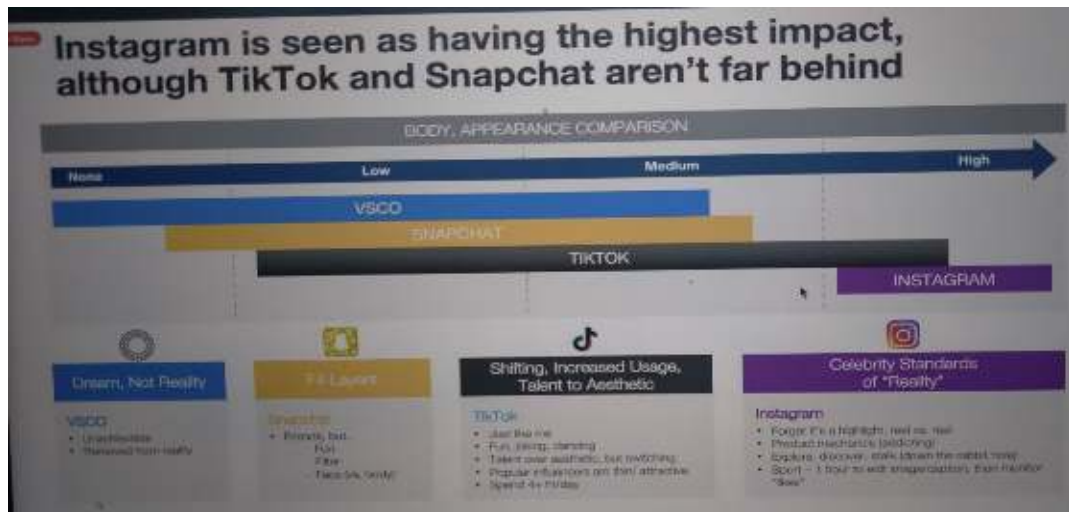
11 43. The algorithms in TikTok’s social media product exploit minor users’ diminished  
12 decision-making capacity, impulse control, emotional maturity, and psychological resiliency caused by  
13 users’ incomplete brain development. TikTok knows, or in the exercise of reasonable care should know,  
14 that because its minor users’ frontal lobes are not fully developed, such users are much more likely to  
15 sustain serious physical and psychological harm through their social media use than adult users.  
16 Nevertheless, TikTok has failed to design the TikTok product with any protections to account for and  
17 ameliorate the psychosocial immaturity of its minor users.

#### 18 **F. TikTok Misrepresents the Addictive Design and Effects of its Social Media Product**

19 44. TikTok did not warn users or their parents of the addictive and mentally harmful effects  
20 that the use of its product was known to cause amongst minor users, like K.S. On the contrary, TikTok  
21 has gone to significant lengths to conceal and/or avoid disclosure as to the true nature of the TikTok  
22 social media product. However, there is no question that TikTok’s product is, and without regard to any  
23 third-party content, harmful to minor users.

24 45. In addition to the allegations set forth above, all of which relate to harms caused by the  
25 TikTok product and not any piece of third-party content, industry research confirms that TikTok (along  
26 with several of its closest competitors) is an inherently dangerous product. The following screen shot  
27 comes from a Meta Platforms, Inc. (Facebook and Instagram) document disclosed to the SEC and  
28

1 Congress by the Facebook Whistleblower in September of 2021, and published by the Wall Street Journal  
2 in November 2021,



12 “Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the US,” p. 29  
13 (“Instagram is seen as having the highest impact, although TikTok and Snapchat aren’t far behind” and  
14 noting that the average TikTok user spends more than 4 hours daily on TikTok).<sup>6</sup>

15 46. Plaintiffs believe that discovery against TikTok will reveal countless additional  
16 documents that support these allegations, the allegations of recent TikTok whistleblowers, as reported in  
17 the New York Times, and multiple examples of known and foreseeable harms TikTok is causing its  
18 young users in the interest of corporate greed – otherwise referred to in the social media industry as  
19 growth and engagement. TikTok has prioritized growth and engagement over the health and well-being  
20 of its users including, specifically, Plaintiffs in this case

### 21 G. TikTok Knowingly Directs Young Female Users to Dangerous Content

22 47. TikTok knowingly identifies and connects young users to dangerous content via its  
23 proprietary technologies and product features. But also, it has chosen to design and operate its products  
24 in a discriminatory manner – referred to as algorithmic bias or discrimination.

25 48. At all times relevant, TikTok’s technology was designed to identify and amplify content  
26 selected by TikTok’s algorithm not because of user request or desire to see such content, but to

27  
28 <sup>6</sup> <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/>

1 manipulate TikTok’s users for the purpose of increasing engagement and growth and, as such, profits for  
2 TikTok itself. To accomplish this, TikTok has programmed and/or allows its technology to direct harmful  
3 content to protected classes in significantly greater numbers, causing disproportionate harm and impact  
4 on women and persons of color. The former is at issue here.

5 49. TikTok’s technology targeted K.S. because of her age and gender and is targeting millions  
6 of other U.S. teen girls with disordered eating and self-harm content. On information and belief, the  
7 amount of such harmful content TikTok directs to teen girls is substantially greater than what it directs  
8 to any other TikTok user group – and TikTok is aware of this algorithmic discrimination.

9 50. Had K.S. been a similarly situated teen boy, she would not have been targeted and  
10 bombarded by TikTok with disordered eating and self-harm content.

11 **H. TikTok Had Actual Knowledge that It Was Promoting and Amplifying Harmful Eating**  
12 **Disorder Content to Children Who Were, in Turn, Developing Serious and Life Altering**  
13 **Eating Disorders, Depression, and Anxiety as a Result, Yet TikTok Failed to Redesign its**  
14 **Algorithm to Prevent Such Deaths**

15 51. Among the harmful content being identified and amplified by TikTok’s technology are  
16 videos aimed at eating disorders and self-harm, which videos TikTok targets disproportionately to teen  
17 and pre-teen female users. These videos often feature hashtags like #proana and #thinspo, which  
18 TikTok’s technology can isolate and remove from its product – as TikTok claims to have more recently  
19 done in the case of its #Blackoutchallenge (a viral TikTok-promoted video that has led to the death of  
20 several young children in the last and a half year alone).

21 52. TikTok knows that it is promoting and amplifying this harmful content and knows that it  
22 is doing so disproportionately in the case of young female users, whereas, TikTok has made  
23 representations in the public, via its commercials and other marketing efforts, and in its Terms of Service  
24 as to certain safety standards TikTok upholds on its social media platform.

25 53. TikTok identified and amplified harmful content and, sadly, K.S. is just one in a growing  
26 list of children and families harmed by these product features and settings – features and settings TikTok  
27 continues to utilize despite knowledge of the harms they are causing. These are features and settings  
28 TikTok could make safe or exponentially safer at nominal time and expense.



1           54.     TikTok knew or should have known that continuing to operate its social media product in  
2 a manner intended to addict young children and continuing to operate its algorithms in a manner intended  
3 to increase engagement even at the cost of human life, combined with its failure and refusal to enforce  
4 its own User Terms for user safety, would result in serious injuries to underage users like K.S. and their  
5 families. Foreseeable harms include but are not limited to addiction, depression, anxiety, sleep  
6 deprivation, eating disorders, self-harm, and suicidal ideation – most of which are at issue in this case.

7           55.     TikTok knew or should have known that its product was dangerously defective and in  
8 need of immediate and significant change to prevent users, especially children, from becoming addicted  
9 to TikTok and, also, from being directed to harmful content that was identified by TikTok and known to  
10 TikTok to be harmful. In any scenario, the alleged harms were reasonably foreseeable based on the  
11 inherently dangerous and defective nature of TikTok’s product.

12          56.     TikTok knew or should have known that a failure to take immediate and significant  
13 corrective action would result in an unreasonable and unacceptable risk that children, like K.S., would  
14 be seriously and irreparably harmed.

15          57.     Despite this knowledge, TikTok continued to make misrepresentations about the safety of  
16 its product and its own efforts to keep kids safe on its social media platform, while then failing to take  
17 such actions to protect minor users – but instead, TikTok continued to operate its algorithms in an  
18 inherently dangerous and harmful manner.

19          58.     Despite this knowledge, TikTok failed to change, update, and/or correct its algorithm to  
20 prevent it from directing users, specifically children, to harmful and outrageous content, despite knowing  
21 that such a failure would inevitably lead to user harm.

22          59.     TikTok failed or refused to take the necessary corrective action to cure its defective  
23 algorithm because TikTok knew that such fixes would result in less user engagement and, thus, less  
24 profits.

25          60.     TikTok prioritized greater corporate profits over the health and safety of its users and,  
26 specifically, over the health and safety of vulnerable children TikTok knew or should have known were  
27 actively using its social media product  
28

1           **I. Plaintiffs Expressly Disclaim Any and All Claims Seeking to Hold TikTok Liabile as the**  
2           **Publisher or Speaker of Any Content Provided, Posted or Created by Third Parties**

3           61. Plaintiffs seeks to hold TikTok accountable for its own alleged acts and omissions.  
4 Plaintiffs' claims arise from TikTok's status as designer and marketer of dangerously defective products  
5 (including but not limited to its patented technologies, processes, and the multitude of tangible devices  
6 TikTok utilizes and requires for operation of its social media platform), as well as TikTok's own  
7 statements and actions, and are not based on TikTok as the speaker or publisher of third-party content.

8           62. TikTok also failed to warn minor users and their parents of known dangers arising from  
9 anticipated use of its products. These dangers, which are unknown to ordinary consumers, do not arise  
10 from third-party content contained on the TikTok social media product, but rather, from TikTok's product  
11 designs that 1) fail to verify age, identity, and parental consent (in the case of minors); 2) addict minor  
12 users to the TikTok product; 3) affirmatively identify and direct harmful content to vulnerable users based  
13 on their individualized demographic data and social media activity, and for the purpose of the revenue  
14 TikTok makes from sending such harmful content to minor users (via increased engagement, but also,  
15 advertising revenue); and 4) exposes minor uses to adult users via product features that include but are  
16 not limited to direct messaging and public profile settings.

17           63. TikTok's product is addictive on a content neutral basis. For example, TikTok designs  
18 and operates its algorithms in a manner intended to and that does change behavior and addict users,  
19 including through a natural selection process that does not depend on or require any specific type of third-  
20 party content.

21           64. TikTok's product features are designed to be and are addictive and harmful in themselves,  
22 without regard to any content that may exist on TikTok's platform, for example, TikTok's "like" feature.

23           65. TikTok has designed other product features for the purpose of encouraging and assisting  
24 children in evasion of parental oversight, protection, and consent, which features are wholly unnecessary  
25 to the operation of TikTok's product.

26           66. TikTok has information and knowledge that can determine with reasonable certainty each  
27 user's age, habits, and other personal information, regardless of what information the user provides at the  
28 time of account setup. In other words, TikTok knows or should know when a user claims to be 21 but is

1 really 12 and, likewise, when a user claims to be 13 but is really 31.

2 67. In short, none of Plaintiffs' claims rely on treating TikTok as the publisher or speaker of  
3 any third-party's words or content. Plaintiffs' claims seek to hold TikTok accountable for TikTok's own  
4 allegedly wrongful acts and omissions, not for the speech of others or for TikTok's good faith attempts  
5 to restrict access to objectionable content.

6 68. Plaintiffs are not alleging that TikTok is liable for what third parties said or did, but for  
7 what TikTok did or did not do.

8 69. None of Plaintiffs' claims set forth herein treat TikTok as the speaker or publisher of  
9 content posted by third parties. Rather, Plaintiffs seek to hold TikTok liable for its own speech and its  
10 own silence in failing to warn of foreseeable dangers arising from anticipate use of its social media  
11 product. TikTok could manifestly fulfill its legal duty to design a reasonably safe social product and  
12 furnish adequate warnings of foreseeable dangers arising out of the use of TikTok's product without  
13 altering, deleting, or modifying the content of a single third-party post or communication.

#### 14 V. PLAINTIFF-SPECIFIC ALLEGATIONS

15 70. K.S. was born on January 20, 2009.

16 71. She was an incredibly independent and well-adjusted child. She excelled in school and  
17 sports, participating in elite soccer, travel basketball, competitive swim, and gymnastics. She was  
18 outgoing and always happy to be around friends and family.

19 72. K.S. got her first cell phone when she was 10 years old. She had previously gone to school  
20 with her older brother, and they could come home together every day. But after he moved on to new  
21 school, she came home from school alone and her parents wanted her to have a way to reach them for  
22 safety.

23 73. They discussed safety with K.S. She was told that the phone was for safety and  
24 communication purposes only. Phones were not allowed at the dinner table or in bedrooms and had to be  
25 left downstairs at night. They also told her to never communicate with someone they did not know in real  
26 life and made sure that they always had the passcode to her phone. D.S. and K.R. believed K.S. was using  
27 the device responsibly and had no reason to think otherwise.

1           74.     To K.S., it seemed like many of her friends had TikTok, which was known for being a  
2 fun, silly, and safe application used to post and watch silly videos of people dancing and having fun. This  
3 was how TikTok advertised and marketed its product, particularly during the pandemic, when it became  
4 the most popular social media application in the world among kids – referred to by kids and TikTok itself  
5 as Quarantine TikTok.

6           75.     TikTok created and distributed commercials meant to appeal to teens and pre-teens, and  
7 it was rewarded handsomely for its efforts – as its teen and pre-teen user base shot up in 2020.

8           76.     TikTok also represented that its product was safe and included statements in its  
9 Community Guidelines to the effect that harmful content was not allowed and would not be shown to  
10 children on its platform.

11          77.     On information and belief, TikTok also and always had the technology necessary to  
12 enforce its Community Guidelines and ensure that its product was the safe and fun product it advertised  
13 it as being – but did not, because it knew that enforcing its safety related rules would result in lower user  
14 engagement.

15          78.     In or around early 2020, K.S. opened a TikTok social media account and began accessing  
16 TikTok on her cell phone. She did so without her parents’ knowledge or consent, and she was well under  
17 the age of 13 at the time.

18          79.     Then COVID happened, and from March until May 2020, K.S. was out of school and in  
19 remote learning due to COVID. During this time, her TikTok use and, in turn, the content TikTok was  
20 directing at her began to escalate.

21          80.     In late 2020, her parents got her into a small, private school to make sure she could go  
22 back to in-person schooling, and she returned to in-person school in August of 2020. She continued  
23 playing sports and making friends. But at the same time, she started becoming more withdrawn and, over  
24 time, she began exhibiting symptoms of depression and anxiety.

25          81.     K.S.’s TikTok use resulted in a slow but steady decline in her mental health.

26          82.     K.S. gradually went from being someone who was social and gregarious, to someone who  
27 was quiet and withdrawn.

1           83.     K.S. spent increasing amounts of time watching TikTok videos via the addictive TikTok  
2 product. She also began losing interest in other activities, which is a foreseeable consequence of TikTok’s  
3 distribution to underage children of an addictive product.

4           84.     Over time, K.S. began developing mannerisms she had seen on TikTok.

5           85.     Unbeknownst to D.S. and K.R., TikTok had decided to target their then 12-year-old child  
6 with extreme and harmful eating disorder content. This is not content K.S. was searching for, but content  
7 that TikTok selected and promoted as a means of increasing K.S.’s (already harmful) engagement with  
8 its social media product. TikTok could have made its product safer for children like K.S. by simply not  
9 targeting them with its algorithm.

10          86.     Instead, it targeted K.S. based on her age and gender and began sending her extreme eating  
11 disorder content and how to videos, without her parents’ knowledge or consent. It also provided other,  
12 adult TikTok users with access to K.S. through its direct message and profile settings, without her  
13 parents’ knowledge or consent.

14          87.     TikTok also sent K.S. notifications, created and generated by TikTok itself, and designed  
15 to increase user addiction and persuade K.S. to log back on to TikTok. K.S. received and responded to  
16 such notifications, which increased her level of dependency on TikTok’s product through targeted  
17 delivery of harmful content.

18          88.     As K.S.’s TikTok usage continued, so did her unhealthy and harmful eating behaviors,  
19 resulting in harms to her physical and mental health. Once confident and outgoing, K.S. began  
20 withdrawing into herself. Around November of 2021, K.S began wearing baggy clothes and neglecting  
21 basic hygiene. She did not want to shower, brush her hair, or go out with friends and family. And she  
22 most definitely did not want to go out to eat, which situation caused her extreme anxiety. Where K.S.  
23 once enjoyed her sports activities and teammates, she would now sit quietly with minimal engagement.  
24 She became quiet and often appeared preoccupied with her thoughts.

25          89.     K.S. had also been gradually losing weight. She was in sports, so no one thought anything  
26 of it, and until her parents started to notice little things like K.S. not wanting to go out to eat or eating  
27 very little when they did. When they asked, she said that she was fine. When they checked her phone and  
28

1 went through her text messages, there was nothing to suggest otherwise.

2 90. Then K.S. began having circulation issues. She had taken up running and began  
3 complaining that her feet would go numb while running, and her hands and feet were always cold. K.R.  
4 grew concerned. She was in the process of changing K.S.'s primary care doctor and began reaching out  
5 to obtain referrals for a sports nutritionist.

6 91. Then one evening she got a call from K.S. who was at basketball practice, followed by a  
7 text from the coach asking if K.S. was okay. K.S. was crying and said she could not feel her feet. K.R.  
8 called a pediatrician who came to check on K.S. The pediatrician cleared her to play in the upcoming  
9 basketball game, discussed the importance of well-balanced nutrition for healthy development and  
10 discussed setting a follow up appointment in office.

11 92. Plaintiffs also put K.S. into mental health and nutrition counseling in their effort to fully  
12 identify and understand the scope of health concerns and to provide support to K.S.

13 93. Throughout this time, K.R. continued to check her daughters' text messages for any clues  
14 as to what was happening and found nothing of concern. Then K.S.' eating habits changed even further.  
15 She stopped eating peanut butter, and insisted on getting fake, powdered peanut butter. She began asking  
16 for very specific products, which K.R. and D.S. had never heard of but that they later found out to be  
17 products that helped with weight loss. This is information K.S. got from the videos TikTok flooded her  
18 FYP with and is information that was not available to K.S. but for the TikTok product's decision to target  
19 her with these harmful videos (often posted by other users, but also, including paid advertisements  
20 approved by TikTok for targeted advertising).

21 94. K.S.'s parents became increasingly concerned and confused.

22 95. Then, in December 2021, K.R.'s father read an article in the Wall Street Journal about  
23 TikTok and how it sends kids down dangerous rabbit holes, including eating disorders. The article is  
24 titled "‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-Disorder Videos." See  
25 <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848>  
26 ("TikTok is flooding teen users with videos of rapid-weight-loss competitions and ways to purge food  
27 that health professionals say contribute to a wave of eating-disorder cases spreading across the country.").

TECH

# ‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-Disorder Videos

The app’s algorithm can send users down rabbit holes of narrow interest, resulting in potentially dangerous content such as emaciated images, purging techniques, hazardous diets and body shaming

By [Tawnell D. Hobbs](#) [Follow](#) , [Rob Barry](#) [Follow](#) and [Yoree Koh](#) [Follow](#)

Dec. 17, 2021 10:45 am ET

TikTok is flooding teen users with videos of rapid-weight-loss competitions and ways to purge food that health professionals say contribute to a wave of eating-disorder cases spreading across the country.

A Wall Street Journal investigation involving the creation of a dozen automated accounts on TikTok, registered as 13-year-olds, found that the [popular video-sharing app’s algorithm](#) served them tens of thousands of weight-loss videos within a few weeks of joining the platform.

Some included tips about taking in less than 300 calories a day, several recommended consuming only water some days, another suggested taking laxatives after overeating.

Other videos showed emaciated girls with protruding bones, a “corpse bride diet,” an invitation to a private “Christmas-themed competition” to lose as much weight as possible before the holiday and a shaming for those who give up on getting thin: “You do realise giving up after a week isn’t going to get you anywhere, right?...You’re disgusting, it’s really embarrassing.”

96. K.R. was regularly checking K.S.’s phone for anything harmful and, after reading the article her father told her about, she immediately checked K.S.’s phone, specifically, for the TikTok social media application and its contents.

97. She found the TikTok application and what she saw when she opened the TikTok product made her shake and cry. It was exceptionally disturbing. Seeing what TikTok had been “curating” and targeting her child with all this time, without her knowledge or consent, caused a painful and physical reaction in K.R. TikTok was causing the harm to her daughter. It was destroying her self-confidence and

1 sense of self and was filling her with eating disorder tutorials, encouragement, and how-to videos. This  
2 was not about content, but rather, the design of the TikTok product which generated and chose the  
3 content, offered licensed music and other special features to make the videos more appealing to kids, and  
4 then presented that final product – which TikTok helped create and which TikTok benefitted from  
5 financially based on its business model – as a barrage of harmful how-to videos designed to engage and  
6 addict children like K.S.

7 98. K.R. had never seen anything like it. When she clicked on K.S.’s For You feature she was  
8 flooded with images and videos. Some videos were focused on Sports – something K.S. loved – while  
9 most were disturbing videos promoting and teaching K.S. how to develop and support dangerous, if not  
10 deadly, disordered eating behaviors. When K.R. opened the TikTok app she did not search for this  
11 content, or for anything. TikTok was sending them to the device of its own volition and selection, and it  
12 was clear that this is what was killing her daughter – slowly, but surely, in a manner Plaintiffs could never  
13 have anticipated or expected.

14 99. K.S. was not yet even 13 years old.

15 100. Among the images K.R. saw when she opened the TikTok application were ones with the  
16 hashtag, #whatieatinaday, with young girls dancing and holding smoothies and saying that it was  
17 important to eat “500 and under.” That was another hashtag and phrase she saw several times ... “500  
18 and under.” There were hundreds of these videos and TikTok was sending all of them to her 12-year-old  
19 daughter without any prompting or request.

20 101. K.R. deleted the application, thinking that she had deleted the account. However, K.R.  
21 noticed that when she checked K.S.’s phone the application would periodically re-appear and she  
22 continued deleting it.

23 102. In January of 2022, K.R. was able to get K.S. in to see her new pediatrician. K.S. weighed  
24 94 pounds and her resting heart rate was 40 to 44. She was immediately admitted.

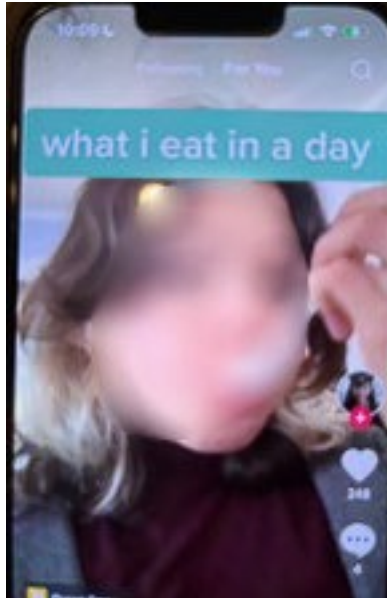
25 103. On January 24, 2022, K.S. was admitted to the University of Virginia Hospital, where she  
26 stayed for 16 days for re-feeding and weight restoration. Her parents did not have time to think about the  
27 ramifications of what they had found on TikTok, as they were focused entirely on helping K.S. to a stable  
28



1 health status and to figure out the path ahead.

2 104. On the evening of February 14, 2022, however, K.R. checked K.S.'s phone only to find  
3 the TikTok product back on it and decided to take some photos of the content TikTok deemed appropriate  
4 for her minor daughter. These are just some of the photos she found on the TikTok For You page, without  
5 searching or entering anything into the application,

6 "what i eat in a day"



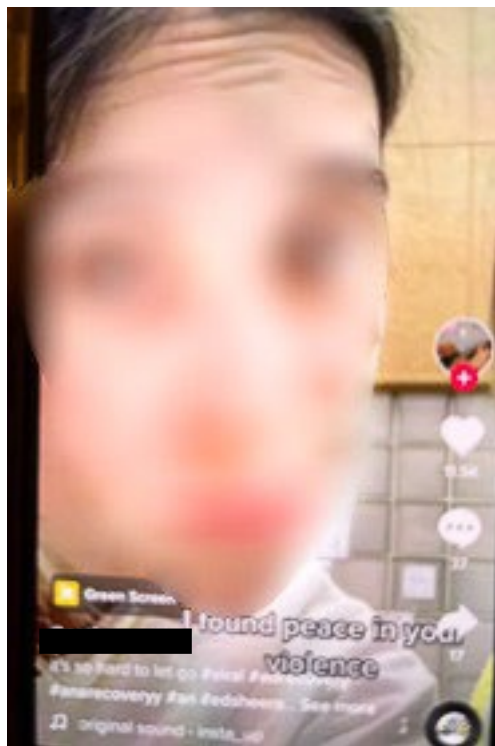
17 "when you heavily restricted for months and now u cant stop bingeing"



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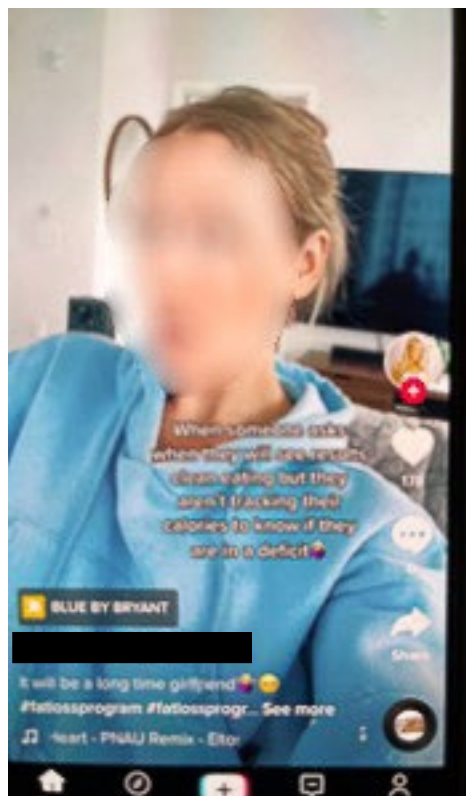


"I found peace in your violence" [redacted]



"When someone asks when they will see results clean eating but they aren't tracking their

1 calories to know if they are in a deficit” [REDACTED]



15 “me making my second meal after ‘debating’ eating again bc I was trying to convince myself I  
16 wasn’t hungry bc I binge ate last night” [REDACTED]

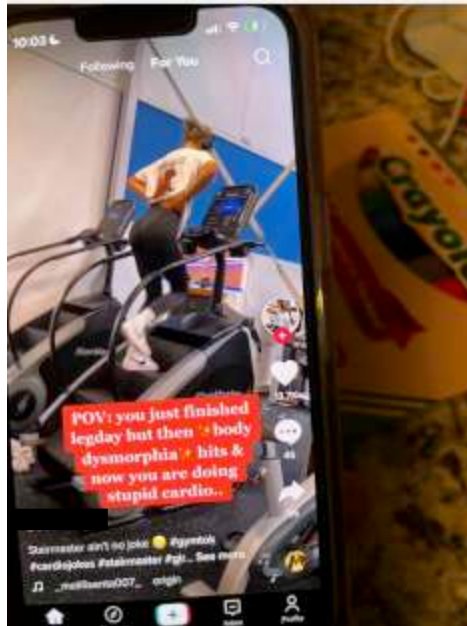


28 “What I eat in a day” [REDACTED]

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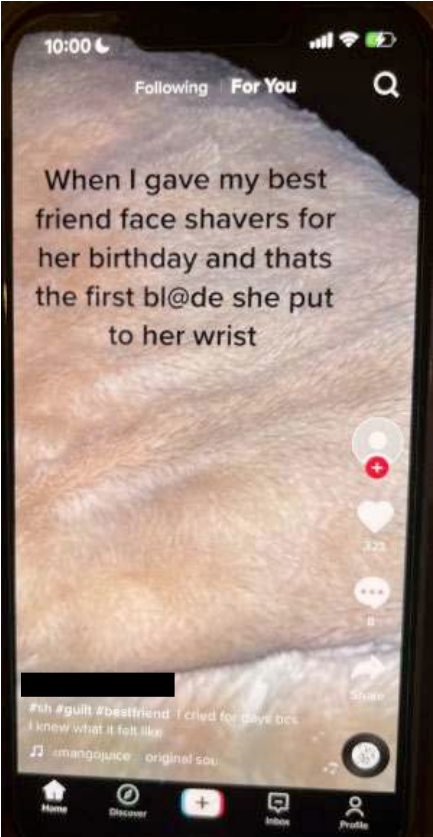
“POV: you just finished legday but then body dysmorphia hits & now you are doing stupid cardio ..”



“High Calorie Super Bowl Low Calorie Super Bowl”



10 “When I gave my best friend face shavers for her birthday and that’s the first bl@de she put to her  
11 wrist” [REDACTED]



25 105. But for TikTok’s failure to conduct reasonable verification of age, identity, and/or parental  
26 consent, K.S. would not have been exposed to TikTok’s inherently dangerous and defective features and  
27 design.  
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1           106. But for TikTok’s endless feed and For You features, which features do not operate based  
2 on what K.S. sought out or asked for, but instead, based on what TikTok’s algorithm determined would  
3 best keep K.S. addicted and engaged, K.S. would not have adopted the harmful eating behaviors that  
4 these features were designed to promote and would not have experienced the anxiety, depression, and  
5 self-harm that comes from the harmful social comparison caused by sheer volume of harmful social  
6 comparison content TikTok directs to minor users, and in particular, to teenage girls.

7           107. TikTok’s app and algorithm identified and directed exceedingly and unacceptably harmful  
8 content to K.S.’s For You page, exploiting her vulnerabilities due to age and gender. This encouraged  
9 her to engage in harmful food-related behaviors. TikTok’s harmful design and operation of its social  
10 media product directly caused and resulted in K.S.’s eating disorder and mental health decline.

11           108. At all times TikTok knew or should have known that K.S. was under the age of 13. In  
12 fact, based on K.S.’s age profile, TikTok restricted certain features, like direct messaging, for purposes  
13 of K.S.’s account. TikTok knew that K.S. was a minor but did not let that fact dissuade it from pushing  
14 deadly content to her cell phone device.

15           109. TikTok considers pre-teens like K.S. to be its most valuable demographic and, for that  
16 reason, TikTok is willing to do whatever it must to engage and addict them.

17           110. After 16 days of hospitalization, K.S.’s parents discussed being able to take K.S. home  
18 versus residential treatment. They had concerns about sending a 13-year-old child to residential  
19 treatment, and K.S.’s parents committed to extensive therapy and to getting K.S. healthy so the medical  
20 team allowed them to take her home.

21           111. Plaintiffs’ life has become a day-to-day push to help K.S. get and stay healthy. Over the  
22 past five months, K.S. has reached a healthy weight as determined by her medical team, but her program  
23 requires an adult to supervise the eating of three meals and two snacks daily. In addition, various  
24 counseling and therapy appointments are scheduled throughout the week.

25           112. In the months following K.S.’s discharge from the hospital, K.R. and D.S. had to leave  
26 work or find family coverage, on a weekly basis, up to 16 times between them to keep their daughter safe  
27 and healthy. Currently, they are paying more than \$1,300 each month in connection with K.S.’s ongoing  
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1 treatment and recovery.

2 113. It is not yet known whether the eating disorder will have long term impact on K.S.'s  
3 physical health, however, given her young age, there is no question that it will have long term impact on  
4 K.S.'s mental health. Plaintiffs anticipate that K.S. will need counseling for many years to come, and she  
5 must now battle with an eating disorder for the rest of her life.

6 114. These harms were entirely preventable had TikTok not ignored the health and safety of its  
7 users, particularly children using its product, in its effort to rake in greater profits.

8 115. TikTok tracks usage data and knew the content it was serving up to K.S. as well as the  
9 amount of time K.S. was spending on its product as well as her age.

10 116. TikTok deliberately programs its technologies to increase engagement, and knows that  
11 this means pushing harmful content to young users like K.S. That is a risk TikTok was willing to take,  
12 without Plaintiffs' knowledge or consent.

13 117. As a proximate result of TikTok's corrosive marketing practices and dangerously  
14 defective algorithm, K.S. developed a severe eating disorder, requiring hospitalization and imposing life-  
15 long mental and physical hardships on K.S.

16 118. As a direct and proximate result of the TikTok's unreasonably dangerous product, failure  
17 to warn, and negligence K.S. suffered a serious and severe eating disorder with comorbidities, including  
18 depression and anxiety, for which K.S. is still in recovery and likely will have to fight to stay in recovery  
19 for the rest of her life.

20 119. As a direct and proximate result of TikTok's unreasonably dangerous product, failure to  
21 warn, and negligence, which resulted in these harms to K.S., Plaintiffs D.S. and K.R. have suffered  
22 emotional distress and significant pecuniary loss, including, but not limited to, past and future medical  
23 expenses.

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1 **VI. PLAINTIFFS'S CLAIMS**

2 **COUNT I - STRICT PRODUCT LIABILITY (Design Defect)**

3 120. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 119 as if  
4 fully stated herein.

5 121. TikTok's social media product is defective because the foreseeable risks of harm posed  
6 by the product's design could have been reduced or avoided by the adoption of a reasonable alternative  
7 design by TikTok and the omission of the alternative design renders the product not reasonably safe. This  
8 defective condition rendered the product unreasonably dangerous to persons or property and existed at  
9 the time the product left TikTok's control, reached the user or consumer without substantial change in  
10 the condition and its defective condition was a cause of Plaintiffs' injuries.

11 122. TikTok designed, manufactured, marketed, and sold a social media product that was  
12 unreasonably dangerous because it was designed to be addictive to the minor users to whom TikTok  
13 actively marketed and because the foreseeable use of TikTok's product causes mental and physical harm  
14 to minor users.

15 123. TikTok's product was unreasonably dangerous because it contained numerous design  
16 characteristics that are not necessary for the utility provided to the user but are unreasonably dangerous  
17 and implemented by TikTok solely to increase the profits derived from each additional user and the length  
18 of time TikTok could keep each user dependent on their product.

19 **A. Inadequate Safeguards From Harmful and Exploitative Content**

20 124. As designed, TikTok's technology products are not reasonably safe because they  
21 affirmatively identify and direct minor users to harmful and exploitative content while failing to deploy  
22 feasible safeguards to protect vulnerable children from such harmful exposures. It is feasible to design  
23 an algorithm that substantially distinguishes between harmful and innocuous content and protects minor  
24 users from being exposed to harmful content without altering, modifying, or deleting any third-party  
25 content posted on TikTok's social media product. That is, TikTok can simply not target and bombard  
26 minors with harmful content, or it could not use its patented technologies on minors at all and, instead,  
27 provide its minor users with the ability to choose their own content. The cost of these safeguards would  
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1 be negligible (a few hours of programming perhaps) while the benefit would be high in terms of reducing  
2 the quantum of mental and physical harm sustained by minor users and their families because of TikTok's  
3 product.

4 125. Defendants also engage in conduct, outside of the algorithm technologies themselves,  
5 which is designed to promote harmful and exploitative content as a means of increasing their revenue  
6 from advertisements. This includes but is not limited to efforts to encourage advertisers to design ads that  
7 appeal to children under the age of 13; and product design features intended to attract and engage minor  
8 users to these virtual spaces where harmful ad content is then pushed to those users in a manner intended  
9 to increase user engagement, thereby increasing revenue to TikTok at the direct cost of user well-being.

10 126. Reasonable users (and their parents) would not expect that TikTok would knowingly  
11 expose them to such harmful content and/or that TikTok's product would purposefully direct them to  
12 harmful content at all, much less in the manipulative and coercive manner that they do. TikTok has and  
13 continues to knowingly use its technologies on users in a manner designed to affirmatively change user  
14 behavior, which methods are particularly effective on (and harmful to) TikTok's youngest users, like  
15 K.S.

16 127. Outrageously, TikTok knowingly exposes the public and innocent children, including  
17 K.S., to addiction, manipulation, and control causing them to engage in the harmful behaviors promoted  
18 by the dangerous and deadly content TikTok serves to them, all in the name of greater corporate profits.

19 128. TikTok knew that dangerous and inherently harmful videos, advertisements, and other  
20 content were circulating via its social media product and was being recommended to users by the  
21 TikTok's algorithm, including through users' FYP. But TikTok also knew that this content was likely to  
22 increase engagement, particularly among TikTok's teen and pre-teen female users, and that TikTok's  
23 continued promotion and amplification of this harmful content was making TikTok significant revenue  
24 – which is why TikTok continued to identify and amplify this harmful content to its young users.

25 129. TikTok knew that children were developing severe mental and physical health conditions  
26 because of their addiction to TikTok and TikTok's decision to expose them to harmful content and adult  
27 users. TikTok stayed the course regardless, and in the interest of corporate profit.

1           **B. Failure to Verify Minor Users' Age and Identity**

2           130. As designed, TikTok's product is not reasonably safe because TikTok does not provide  
3 for adequate age verification by requiring users to document and verify their age and identity.

4           131. Minor users who are under the age of 13 often open and/or access TikTok accounts, and  
5 TikTok knows or has reason to know when a user is underage. TikTok already has the information and  
6 means it needs to ascertain with reasonable certainty each user's actual age and, at least in some cases,  
7 TikTok utilizes these tools to investigate, assess, and report on percentages and totals of underage users  
8 for internal assessment purposes. TikTok simply then chooses to do nothing about that information as it  
9 relates to the specific, underaged users themselves and/or actively directs harmful content to these  
10 underage users to keep them engaged.

11           132. TikTok employees have reported that TikTok has actual knowledge of users under 13,  
12 including because it is clear from videos that they are too young to legally be using TikTok's social media  
13 product. Despite such knowledge, TikTok often is slow to act or does not act at all, in the interest of  
14 increased profits.

15           133. Moreover, reasonably accurate age and identity verification is not only feasible but widely  
16 deployed by on-line retailers and internet service providers.

17           134. The cost of incorporating age and identify verification into TikTok's product would be  
18 negligible whereas the benefit of age and identity verification would be a substantial reduction in severe  
19 mental health harms, sexual exploitation, and abuse among minor users of TikTok's product.

20           **C. Inadequate Parental Control and Monitoring**

21           135. TikTok's product is also defective for lack of parental controls, permission, and  
22 monitoring capability available on many other devices and applications.

23           136. TikTok's product is designed with specific product features intended to prevent and/or  
24 interfere with parents' reasonable and lawful exercise of parental control, permission, and monitoring  
25 capability available on many other devices and applications.

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1       **D. Intentional Direction of Minor Users to Harmful and Exploitative Content**

2           137. Default “recommendations” communicated to new teen and pre-teen users, including  
3 K.S., purposefully steered those users toward content TikTok knows to be harmful to children of their  
4 age and gender.

5           138. Ad content pushed to new teen and pre-teen users, including K.S., because of their age  
6 and vulnerability, purposefully steer those users toward content TikTok knows to be harmful to children  
7 of their age and gender.

8       **E. Design of Addictive Social Media Products**

9           139. As designed, TikTok’s social media product is addictive to child users as follows: When  
10 minors use design features such as “likes” it cause their brains release dopamine which creates short term  
11 euphoria. However, as soon as dopamine is released, minor users’ brains adapt by reducing or  
12 “downregulating” the number of dopamine receptors that are stimulated and their euphoria is countered  
13 by dejection. In normal stimulatory environments, this dejection abates, and neutrality is restored.  
14 However, TikTok’s algorithms are designed to exploit users’ natural tendency to counteract dejection by  
15 going back to the source of pleasure for another dose of euphoria. As this pattern continues over a period  
16 of months and the neurological base line to trigger minor users’ dopamine responses increases, they  
17 continue to use TikTok, not for enjoyment, but simply to feel normal. Once they stop using TikTok,  
18 minor users experience the universal symptoms of withdrawal from any addictive substance including  
19 anxiety, irritability, insomnia, and craving.

20           140. Addiction is not restricted to a substance abuse disorders. Rather, the working definition  
21 of addiction promulgated in the seminal article *Addictive behaviors: Etiology and Treatment* published  
22 by the American Psychological Association in its 1988 *Annual Review of Psychology* defines addiction  
23 as,

24           a repetitive habit pattern that increases the risk of disease and/or associated personal and  
25 social problems. Addictive behaviors are often experienced subjectively as ‘loss of control’  
26 – the behavior contrives to occur despite volitional attempts to abstain or moderate use.  
27 These habit patterns are typically characterized by immediate gratification (short term  
28 reward), often coupled with delayed deleterious effects (long term costs). Attempts to  
change an addictive behavior (via treatment or self-initiation) are typically marked with  
high relapse rates.

1           141.    Addiction researchers agree that addiction involves six core components: (1) salience—  
2 the activity dominates thinking and behavior; (2) mood modification—the activity modifies/improves  
3 mood; (3) tolerance—increasing amounts of the activity are required to achieve previous effects; (4)  
4 withdrawal—the occurrence of unpleasant feelings when the activity is discontinued or suddenly  
5 reduced; (5) conflict—the activity causes conflicts in relationships, in work/education, and other  
6 activities; and (6) relapse—a tendency to revert to earlier patterns of the activity after abstinence or  
7 control.

8           142.    Social media addiction has emerged as a problem of global concern, with researchers all  
9 over the world conducting studies to evaluate how pervasive the problem is. Addictive social media use  
10 is manifested when a user (1) becomes preoccupied by social media (salience); (2) uses social media in  
11 order to reduce negative feelings (mood modification); (3) gradually uses social media more and more in  
12 to get the same pleasure from it (tolerance/craving); (4) suffers distress if prohibited from using social  
13 media (withdrawal); (5) sacrifices other obligations and/ or causes harm to other important life areas  
14 because of their social media use (conflict/functional impairment); and (6) seeks to curtail their use of  
15 social media without success (relapse/loss of control).

16           143.    The Bergen Facebook Addiction Scale (BFAS) was specifically developed by  
17 psychologists to assess subjects' social media use using the aforementioned addiction criteria, and is by  
18 far the most widely used measure of social media addiction. Originally designed for Facebook, BFAS  
19 has since been generalized to all social media. BFAS has been translated into dozens of languages,  
20 including Chinese, and is used by researchers throughout the world to measure social media addiction.

21           144.    BFAS asks subjects to consider their social media usage with respect to the six following  
22 statements and answer either (1) very rarely, (2) rarely, (3) sometimes, (4) often, or (5) very often,

- 23           a.    You spend a lot of time thinking about social media or planning how to use it.
- 24           b.    You feel an urge to use social media more and more.
- 25           c.    You use social media in order to forget about personal problems.
- 26           d.    You have tried to cut down on the use of social media without success.
- 27           e.    You become restless or troubled if you are prohibited from using social media.

1 f. You use social media so much that it has had a negative impact on your job/studies.  
2 Subjects who score a “4” or “5” on at least 4 of those statements are deemed to suffer from social  
3 media addiction.

4 145. Addictive use of social media by minors is psychologically and neurologically analogous  
5 to addiction to internet gaming disorder as described in the American Psychiatric Association's 2013  
6 Diagnostic and Statistical Manual of Mental Disorders (DSM-5), which is used by mental health  
7 professionals to diagnose mental disorders. Gaming addiction is a recognized mental health disorder by  
8 the World Health Organization and International Classification of Diseases and is functionally and  
9 psychologically equivalent to social media addiction. The diagnostic symptoms of social media addiction  
10 among minors are the same as the symptoms of addictive gaming promulgated in DSM 5 and include:

11 146. Preoccupation with social media and withdrawal symptoms (sadness, anxiety, irritability)  
12 when device is taken away or not possible (sadness, anxiety, irritability).

- 13 a. Tolerance, the need to spend more time using social media to satisfy the urge.
- 14 b. Inability to reduce social media usages, unsuccessful attempts to quit gaming.
- 15 c. Giving up other activities, loss of interest in previously enjoyed activities due to social  
16 media usage.
- 17 d. Continuing to use social media despite problems.
- 18 e. Deceiving family members or others about the amount of time spent on social media.
- 19 f. The use of social media to relieve negative moods, such as guilt or hopelessness.
- 20 g. and Jeopardized school or work performance or relationships due to social media usage.

21 147. TikTok’s advertising profit is directly tied to the amount of time that TikTok’s users spend  
22 online, and TikTok’s algorithms and other product features are designed to maximize the time users  
23 spend using the product by directing them to content that is progressively more and more stimulative.  
24 TikTok enhances advertising revenue by maximizing users’ time online through a product design that  
25 addicts them to the platform. However, reasonable minor users and their parents do not expect that on-  
26 line social media platforms are psychologically and neurologically addictive.

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1 148. It is feasible to make TikTok’s product less addictive to child users by limiting the  
2 frequency and duration of access and suspending service during sleeping hours.

3 149. Designing software that limits the frequency and duration of child users’ screen use and  
4 suspends service during sleeping hours could be accomplished at negligible cost; whereas the benefit of  
5 minor users maintaining healthy sleep patterns would be a significant reduction in depression, attempted  
6 and completed suicide, and other forms self-harm among this vulnerable age cohort.

7 **F. Inadequate Notification of Parents of Dangerous and Problematic Social Media Usage by**  
8 **Minor Users**

9 150. TikTok’s product is not reasonably safe as designed because it does not include any  
10 safeguards to notify users and their parents of usage that TikTok know to be problematic and likely to  
11 cause negative mental health effects to users, including excessive passive use and use disruptive of  
12 normal sleep patterns. This design is defective and unreasonable because:

13 151. It is reasonable for parents to expect that social media products that actively promote their  
14 platform to minors will undertake reasonable efforts to notify parents when their child’s use becomes  
15 excessive. It is feasible for TikTok to design a product that identifies a significant percentage of their  
16 minor users who are using the product more than three hours per day or using it during sleeping hours at  
17 negligible cost.

18 152. TikTok’s product is not reasonably safe as designed because, despite numerous reported  
19 instances of child sexual solicitation and exploitation by adult users, TikTok has not undertaken  
20 reasonable design changes to protect underage users from this abuse, including notifying parents of  
21 underage users when they have been messaged or solicited by an adult user or when a user has sent  
22 inappropriate content to minor users. TikTok’s entire business is premised upon collecting and analyzing  
23 user data and it is feasible to use TikTok’s data and algorithms to identify and restrict improper sexual  
24 solicitation, exploitation, and abuse by adult users; and

25 153. It is reasonable for parents to expect that platforms such as TikTok, which actively  
26 promotes its services to minors, will undertake reasonable efforts to identify users suffering from mental  
27 injury, self-harm, or sexual abuse and implement technological safeguards to notify parents by text,  
28 email, or other reasonable means that their child is in danger.

1           154. As a proximate result of these dangerous and defective design attributes of TikTok’s  
2 product, K.S. suffered severe harms as did Plaintiffs D.S. and K.R. Plaintiffs did not know, and in the  
3 exercise of reasonable diligence could not have known, of these defective designs in TikTok’s product  
4 until late 2021 or later.

5           155. As a result of TikTok’s negligence, Plaintiffs have suffered emotional distress, past and  
6 future medical expenses, and pain and suffering.

7           156. TikTok is further liable to Plaintiffs for punitive damages based upon the willful and  
8 wanton design of the TikTok social media product that was intentionally marketed and sold to underage  
9 users, whom they knew would be seriously harmed through use of TikTok.

10                           **COUNT II – STRICT PRODUCT LIABILITY (Failure to Warn)**

11           157. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 156 as if  
12 fully stated herein.

13           158. TikTok’s product is defective because of inadequate instructions or warnings because the  
14 foreseeable risks of harm posed by the product could have been reduced or avoided by the provision of  
15 reasonable instructions or warnings by the manufacturer and the omission of the instructions or warnings  
16 renders the product not reasonably safe. This defective condition rendered the product unreasonably  
17 dangerous to persons or property, existed at the time the product left TikTok’s control, reached the user  
18 or consumer without substantial change in the condition in which it was sold and was a proximate cause  
19 of the harm to Plaintiffs.

20           159. TikTok’s product is unreasonably dangerous and defective because it contains no warning  
21 to users or parents regarding the addictive design and effects of TikTok.

22           160. TikTok’s social media product relies on highly complex and proprietary algorithms that  
23 are both undisclosed and unfathomable to ordinary consumers who do not expect that social media  
24 platforms are physically and/or psychologically addictive.

25           161. The magnitude of harm from addiction to TikTok’s product is horrific ranging from  
26 simple diversion from academic, athletic, and face-to-face socialization to sleep loss, severe depression,  
27 anxiety, self-harm, eating disorders, and accidental death through the TikTok Blackout Challenge and  
28

1 suicide.

2 162. The harms resulting from minors' addictive use of social media platforms have been not  
3 only well- documented in the professional and scientific literature, but TikTok had actual knowledge of  
4 such harms.

5 163. TikTok's product is unreasonably dangerous because it lacks any warnings that  
6 foreseeable product use can disrupt healthy sleep patterns or specific warnings to parents when their  
7 child's product usage exceeds healthy levels or occurs during sleep hours. Excessive screen time is  
8 harmful to children's mental health and sleep patterns and emotional well-being. Reasonable and  
9 responsible parents are not able to accurately monitor their child's screen time because most adolescents  
10 own or can obtain access to mobile devices and engage in social media use outside their parents' presence.

11 164. It is feasible for TikTok's product to report the frequency and duration of their minor  
12 users' screen time to their parents without disclosing the content of communications at negligible cost,  
13 whereas parents' ability to track the frequency, time and duration of their minor child's social media use  
14 are better situated to identify and address problems arising from such use and to better exercise their  
15 rights and responsibilities as parents.

16 165. TikTok knew about these harms, knew that users and parents would not be able to safely  
17 use the TikTok product without warnings, and failed to provide warnings that were adequate to make the  
18 product reasonably safe during ordinary and foreseeable use by children.

19 166. As a proximate result of TikTok's failure to warn, minor Plaintiff K.S. suffered server  
20 mental harm, leading to physical injury from her use of TikTok.

21 167. As a result of TikTok's failure to warn, Plaintiffs D.S. and K.R. have suffered emotional  
22 distress and pecuniary hardship due to their daughter's mental harm resulting from social media  
23 addiction.

24 168. TikTok is further liable to Plaintiffs for punitive damages based upon TikTok's willful  
25 and wanton failure to warn of known dangers of the TikTok product, which was intentionally marketed  
26 and sold to child users, whom TikTok knew would be seriously harmed through their use of the TikTok  
27 social media product.



1 **COUNT III – NEGLIGENCE**

2 169. Plaintiffs realleges each and every allegation contained in paragraphs 1 through 168 as if  
3 fully stated herein.

4 170. At all relevant times, TikTok had a duty to exercise reasonable care and caution for the  
5 safety of individuals using their product, such K.S.

6 171. TikTok owes a heightened duty of care to minor users of its social media product because  
7 adolescents’ brains are not fully developed, which results in a diminished capacity to make good  
8 decisions regarding their social media usages, eschew self-destructive behaviors, and overcome  
9 emotional and psychological harm from negative and destructive social media encounters and much more  
10 susceptible to dangerous content identified and amplified by TikTok.

11 172. As a product manufacturer marketing and selling products to residents of across the United  
12 States, and including in California, TikTok owed a duty to exercise ordinary care in the manufacture,  
13 marketing, and sale of its product, including a duty to warn minor users and their parents of hazards that  
14 TikTok knew to be present, but not obvious, to underage users and their parents.

15 173. As a business owner, TikTok owes its users who visit TikTok’s social media platform and  
16 from whom TikTok derives billions of dollars per year in advertising revenue a duty of ordinary care  
17 substantially similar to that owed by physical business owners to their business invitees.

18 174. TikTok had a duty to not identify and direct dangerous and deadly videos and challenges  
19 to minors. TikTok benefited directly and substantially from its continued promotion and amplification of  
20 this harmful content, knew the content was harmful, and knew it was benefiting in this manner.

21 175. TikTok also had a duty to not program its algorithm in a manner that it knew or should  
22 have known would identify and direct vulnerable children to dangerous and deadly videos and challenges,  
23 including but not limited to videos about eating disorders, self-harm, and suicide.

24 176. TikTok had a duty to employ and train personnel to appropriately and reasonably respond  
25 to notice that harmful eating disorder and self-harm promoting content was being advertised and  
26 identified, posted, and/or directed to minors on TikTok’s app.

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1           177. TikTok had a duty to design, develop, program, manufacture, distribute, sell, supply,  
2 and/or operate its app and algorithms to ensure that it did not manipulate users and/or otherwise  
3 encourage them to view and engage with such harmful eating disorder and self-harm promoting content.

4           178. TikTok was negligent, grossly negligent, reckless and/or careless in that it failed to  
5 exercise ordinary care and caution for the safety of underage users, like K.S.

6           179. TikTok was negligent in failing to conduct adequate testing and failing to allow  
7 independent academic researchers to adequately study the effects of its product and levels of problematic  
8 use amongst child users. TikTok has extensive internal research and/or documents and communications  
9 indicating that its product is harmful, causes extensive mental harm, and that minor users are engaging  
10 in problematic and addictive use that their parents are helpless to monitor and prevent.

11           180. TikTok is negligent in failing to provide adequate warnings about the dangers associated  
12 with the use of its social media products and in failing to advise users and their parents about how and  
13 when to safely use its social media platform and features.

14           181. TikTok is negligent in failing to fully assess, investigate, and restrict the use of TikTok  
15 by adults to sexually solicit, abuse, manipulate, and exploit minor users of its TikTok product.

16           182. TikTok is negligent in failing to provide users and parents the tools to ensure that its social  
17 media product is used in a limited and safe manner by underage users.

18           183. TikTok knew that dangerous and deadly videos and challenges, including but not limited  
19 to the Blackout Challenge and videos about eating disorders, were being identified and amplified to users  
20 by its algorithms but failed to take appropriate, reasonable, timely, and necessary remedial actions.

21           184. TikTok knew that children were dying from attempting to participate in dangerous and  
22 deadly videos and challenges, including but not limited to the Blackout Challenge and videos about eating  
23 disorders, that TikTok's algorithm was directing to them but failed to take appropriate, reasonable,  
24 timely, and necessary remedial actions.

25           185. As a proximate result of TikTok's negligence, minor Plaintiff K.S. suffered severe mental  
26 harm from her use of TikTok.

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1 186. As a proximate result of TikTok’s negligence, Plaintiffs D.S. and K.R. have suffered  
2 emotional distress and pecuniary hardship due to their child’s mental harm resulting from social media  
3 addiction.

4 187. TikTok is further liable to Plaintiffs for punitive damages based upon its willful and  
5 wanton conduct toward underage users, including K.S., whom it knew would be seriously harmed  
6 through use of its social media product.

7 **COUNT IV – VIOLATION OF CALIFORNIA’S UNFAIR COMPETITION LAW,**

8 **CAL. BUS & PROF. CODE §§ 17200, et seq.**

9 188. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 187 as if  
10 fully stated herein.

11 189. Defendants are corporations and thus each of them is a “person,” as defined by California  
12 Business & Professions Code § 17201.

13 190. The UCL prohibits all conduct that is unlawful, unfair, or fraudulent.

14 191. Defendants’ conduct is unlawful as set forth in Counts I–III, above.

15 192. TikTok engaged in fraudulent and deceptive business practices in violation of the UCL  
16 by promoting products to underage users, including K.S., while concealing critical information regarding  
17 the addictive nature and risk of harm these products pose. TikTok knew and should have known that its  
18 statements and omissions regarding the addictive and harmful nature of their product were misleading  
19 and therefore likely to deceive the members of the public who use Defendants’ product, including K.S.

20 193. Defendants convinced minors, including K.S., that their product was “free” when, in fact,  
21 K.S. was the product and Defendants profited from their scheme – making billions in revenue each year  
22 by deceiving consumers in this manner.

23 194. Defendants advertised and represented that their product was safe and/or that they were  
24 taking reasonable measures to ensure the safety of users when, in fact, Defendants failed to implement  
25 safety protocols during the design process and, even when they identified or were informed of product  
26 defects, refused to recall or stop distributing their product to minors.

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1           195. Defendants advertised and represented that their product was safe and/or that they were  
2 taking reasonable measures to ensure the safety of users and further, that their product was “free” when,  
3 in fact, Defendants deliberately designed their product to be addictive and were garnering incredible  
4 profits due to the harms they were causing minors like K.S. Defendants’ product has never been “free,”  
5 but instead, comes at a high cost to minors like K.S.

6           196. Defendants were prohibited from distributing their services and product to children under  
7 the age of 13. In fact, Defendants entered a settlement with the FTC, representing that they would take  
8 affirmative steps to prevent the use of their product by children under 13; however, Defendants then  
9 proceeded to continue marketing and distributing their product to children under 13, including K.S.  
10 Defendants also, and despite the fact that they knew or should have known that K.S. was under the age  
11 of 13, identified and directed harmful and inappropriate content to her, made direct messaging services  
12 available to her, and otherwise caused the precise types of harms contemplated by COPPA.

13           197. TikTok’s Vice President and Head of Public Policy for the Americas, Michael  
14 Beckerman, testified under oath to Congress that TikTok creates age-appropriate experiences, and does  
15 not allow people under 16 to send direct messages on its platform when, in fact, TikTok takes no  
16 reasonable precautions when it comes to children under 16, first and foremost, because it does not actually  
17 verify use age or identity and did not verify age or identity in the case of minor, K.S.

18           198. The above examples are not exhaustive, but they are indicative and reflective of the types  
19 of deceptive and/or misleading statements Defendants have been feeding to the public for years to  
20 convince people that TikTok is safe for use by teenagers and children, like K.S.

21           199. Defendants knew that their product was addictive and/or harmful to a significant portion  
22 of users, including children and teens, including teens and children, like K.S. And yet, because of  
23 TikTok’s deliberate and ongoing misconduct and active concealment of the truth, Plaintiffs could not  
24 reasonably have discovered what was literally killing their daughter until after the Wall Street Journal  
25 conducted extensive investigation and reported on TikTok. It was only then that they were able to  
26 determine the cause of K.S.’s harm and obtain and provide the type of treatment and care she required to  
27 stop using the TikTok product and start her recovery.

1           200.   TikTok’s conduct, as described herein, offends established public policy and is immoral,  
2 unethical, oppressive, unscrupulous, and substantially injurious. Defendants engaged in unfair methods  
3 of competition and unfair and deceptive acts in the conduct of trade and commerce and benefitted greatly  
4 from the harms they knew they were causing to American children.

5           201.   TikTok further engaged in fraudulent and deceptive business practices in violation of the  
6 UCL by designing their product in a manner intended to evade parental protection and consent. promoting  
7 products to underage users, including K.S., while concealing critical information regarding the addictive  
8 nature and risk of harm these products pose. Defendants knew and should have known that their  
9 statements and omissions regarding the addictive and harmful nature of their product were misleading  
10 and therefore likely to deceive the members of the public who use Defendants’ product, including K.S.  
11 Had D.S. and K.R. known of the dangerous nature of Defendants’ product, they could and would have  
12 taken early and aggressive steps to stop or limit their daughter’s use of it.

13           202.   Defendants’ practices are unfair and violate the UCL because they offend established  
14 public policy, and because the harm these practices cause to consumers greatly outweighs any benefits  
15 associated with them.

16           203.   Defendants’ conduct has resulted in substantial injuries that Plaintiffs could not  
17 reasonably have avoided because of Defendants’ deceptive conduct. This substantial harm is not  
18 outweighed by any countervailing benefits to consumers or competition.

19           204.   As a direct and proximate result of the foregoing acts and practices, Defendants have  
20 received, or will receive, income, profits, and other benefits, which they would not have received if they  
21 had not engaged in the violations of the UCL described herein. As a direct and proximate result of the  
22 foregoing acts and practices, Defendants have also obtained an unfair advantage over similar businesses  
23 that have not engaged in such practices.

24           205.   As a result of Defendants’ UCL violations, Plaintiffs have suffered injury in fact and lost  
25 money as set forth herein.

26           206.   Accordingly, Plaintiffs seek injunctive and equitable relief to halt and remedy Defendants’  
27 unlawful, fraudulent, and unfair conduct.

1 **COUNT V – UNJUST ENRICHMENT**

2 207. Plaintiff realleges each and every allegation contained in paragraphs 1 through 206 as if  
3 fully stated herein.

4 208. As a result of Defendants’ conduct detailed herein, Defendants received a benefit. Because  
5 Defendants’ advertising profits are directly tied to the number of user accounts and the amount of time  
6 those users spend on TikTok, Defendants benefited directly from K.S.’s addiction to and use of its  
7 product.

8 209. It would be unjust and inequitable for Defendants to retain the ill-gotten benefits at  
9 Plaintiffs’ expense and in light of Defendants’ acts and omissions described herein.

10 210. Accordingly, Plaintiffs seek damages in an amount to be proven at trial.

11 **COUNT VI – INVASION OF PRIVACY**

12 **(California Const. Art. 1, § 1)**

13 211. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 210 as if  
14 fully stated herein.

15 212. Defendants intentionally intruded upon Plaintiffs’ solitude, seclusion, or private affairs by  
16 knowingly designing their product with features that were intended to, and did, frustrate parents’ ability  
17 to monitor and control their children’s social media usage.

18 213. These intrusions are highly offensive to a reasonable person, particularly given  
19 Defendants’ interference with the fundamental right of parenting and its exploitation of children’s special  
20 vulnerabilities for commercial gain.

21 214. Plaintiffs were harmed by Defendants’ invasion of privacy, as detailed herein.

22 215. Plaintiffs therefore seek compensatory and punitive damages in amounts to be determined  
23 at trial, as well as injunctive relief requiring Defendants to cease the harmful practices described  
24 throughout this complaint.

25 //

26 //

27 //

1 **COUNT VII – INVASION OF PRIVACY**

2 **(Virginia Const. Art. VI, § 1)**

3 216. Plaintiffs reallege each and every allegation contained in paragraphs 1 through 215 as if  
4 fully stated herein.

5 217. At all times relevant, Plaintiffs D.S. and K.R. had the right to maintain a parental and  
6 custodial relationship with their minor child, K.S.

7 218. TikTok is a third-party, outside of the relationship between any of the Plaintiffs in this  
8 case, including minor K.S.

9 219. Defendants intentionally interfered with Plaintiffs’ parental and custodial rights, including  
10 by deliberately preventing Plaintiffs D.S. and K.R. from exercising their parental and custodian rights  
11 regarding minor K.S.

12 220. Examples of such intentional interference include but are not limited to,

- 13 a. TikTok’s provision of access to its social media product to minor, K.S., without her  
14 parents’ knowledge or consent.
- 15 b. TikTok’s design and decision to distribute (and continue distributing) an inherently  
16 addictive and dangerous social media product without reasonable and necessary  
17 warnings and safeguards, including but not limited to the fact that Defendants  
18 designed their product to deliberately provide K.S. (and others like her) with  
19 unauthorized access.
- 20 c. TikTok’s failure and refusal to verify age, identification, and parental consent.
- 21 d. TikTok’s identification and direction of known harmful content to minor K.S. under  
22 the circumstances described above, and which actions were calculated and intended to  
23 increase K.S.’s engagement with its social media product.
- 24 e. TikTok’s identification and direction of known harmful content to minor K.S. under  
25 the circumstances described above, which actions TikTok knew or reasonably should  
26 have known as being likely to result in deprivation of Plaintiffs’ parental and custodial  
27 rights, including because TikTok knows that the dependency and other mental and  
28

1 emotional harms caused by its social media product result in (i) damage to a minor  
2 likes K.S.'s health, well-being, and relationship with her parents, (ii) hospitalization  
3 of minors, like K.S., (iii) and/or death of minors, like K.S.

4 221. Defendants' intentional interference harmed the parental and custodial relationships and  
5 rights to which Plaintiffs D.S. and K.R. were entitled as relating to their minor child, K.S. – a child who  
6 was under the age of 13 when TikTok's intentional interference began, and who is still only 13 years old.

7 222. Plaintiffs D.S. and K.R. have been damaged in several ways, including but not limited to  
8 tens of thousands in necessary and ongoing medical costs to obtain treatment for the harms TikTok caused  
9 – and is currently causing to millions of teen girls in the United States, without redress.

10 223. These intrusions are highly offensive to a reasonable person, particularly given  
11 Defendants' interference with the fundamental right of parenting and its exploitation of children's special  
12 vulnerabilities for commercial gain.

13 224. Plaintiffs therefore seek compensatory and punitive damages in amounts to be determined  
14 at trial, as well as injunctive relief requiring Defendants to cease the harmful practices described  
15 throughout this complaint.

16 **DEMAND FOR JURY TRIAL**

17 Plaintiffs hereby demand a trial by jury.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs prays for judgment against TikTok for relief as follows:

- 20 1. Past physical and mental pain and suffering of K.S., in an amount to be more readily  
21 ascertained at the time and place set for trial.
- 22 2. Loss of future income and earning capacity of K.S.
- 23 3. Past and future medical expenses of K.S.
- 24 4. Past physical and mental pain and suffering of D.S. and K.R., in an amount to be more  
25 readily ascertained at the time and place set for trial.
- 26 5. Monetary damages suffered by D.S. and K.R.
- 27 6. Punitive damages.
- 28



- 1 7. For the reasonable costs and attorney and expert/consultant fees incurred in this action.
- 2 8. For injunctive relief, including but not limited to prohibiting each of the following,
- 3 a) Distribution of the TikTok product to any user without proof of identity or, in the case of
- 4 users under the age of 18, proof of consent by a parent or guardian.
- 5 b) Distribution to any user under the age of 18 without also obtaining a verified email address
- 6 and phone number for the user’s parent or guardian.
- 7 c) Distribution to any user under the age of 18 where a parent or guardian has provided
- 8 written (including email) notice that their child does not have permission to use
- 9 Defendants’ social media product (also requiring Defendants to provide a physical and
- 10 email address where notices can be sent).
- 11 d) Use of algorithms and similar technologies to identify, suggest, direct, or provide
- 12 unsolicited content to any user under the age of 18.
- 13 e) Use of algorithms and similar technologies to rank or order any content shown to any user
- 14 under the age of 18 except via objective and transparent methods, for example, ranking in
- 15 chronological order.
- 16 f) Distribution of any product that is suspected to or does operate with any degree of
- 17 algorithmic discrimination where such discrimination would foreseeably impact any
- 18 member of any protected class.
- 19 g) Marketing to any person under the age of 18.
- 20 h) For users under the age of 18, any setting that makes the account public or in any way
- 21 visible to any person not specifically “connected” to the user.
- 22 i) For users under the age of 18, any setting or tool through which communication is allowed
- 23 with any person not already “connected” to the minor user. This includes but is not limited
- 24 to things like Messenger, Direct Messaging, Snaps, and similar direct communication
- 25 features.
- 26 j) Use of any push notifications or reminders or other notifications relating to activity taking
- 27 place on social media.
- 28

1 k) Sending of any communication to any user under the age of 18 that is not also sent to that  
2 user's parent or guardian.

3 9. Such other and further relief as this Court deems just and equitable.

4 DATED this 27<sup>th</sup> day of July, 2022.

SOCIAL MEDIA VICTIMS LAW CENTER PLLC

5  
6 By: 

LAURA MARQUEZ-GARRETT

Laura Marquez-Garrett (SBN 221542)

[Laura@socialmediavictims.org](mailto:Laura@socialmediavictims.org)

Matthew P. Bergman (*Pro Hac Vice* anticipated)

[matt@socialmediavictims.org](mailto:matt@socialmediavictims.org)

Glenn S. Draper (*Pro Hac Vice* anticipated)

[glenn@socialmediavictims.org](mailto:glenn@socialmediavictims.org)

SOCIAL MEDIA VICTIMS LAW CENTER

821 Second Avenue, Suite 2100

Seattle, WA 98104

Tel: (206) 741-4862 Fax: (206) 957-9549

13 WATERS KRAUS & PAUL

Kevin M. Loew (SBN 238080)

[kloew@waterskraus.com](mailto:kloew@waterskraus.com)

222 North Pacific Coast Hwy, Suite 1900

El Segundo, California 90245

Tel: (310) 414-8146 Fax: (310) 414-8156

18 SEEGER WEISS LLP

Christopher A. Seeger (*Pro Hac Vice* anticipated)

[cseeger@seegerweiss.com](mailto:cseeger@seegerweiss.com)

Christopher Ayers (*Pro Hac Vice* anticipated)

[cayers@seegerweiss.com](mailto:cayers@seegerweiss.com)

55 Challenger Road

Ridgefield Park, NJ 07660

Tel: 973-639-9100 Fax: 973-679-8656

23 Robert H. Klonoff (*Pro Hac Vice* anticipated)

[klonoff@usa.net](mailto:klonoff@usa.net)

2425 S.W. 76<sup>th</sup> Ave.

Portland, Oregon 97225

Tel: (503) 702-0218 Fax: (503) 768-6671

26 Attorneys for Plaintiffs