

IN THE DISTRICT COURT OF
LANCASTER COUNTY, NEBRASKA

Case No. CI 24-1759

STATE OF NEBRASKA *ex rel.*
MICHAEL T. HILGERS,
ATTORNEY GENERAL,

Plaintiff,

v.

TIKTOK INC. et al.,

Defendants.

**STIPULATION
REGARDING NARROWED
REDACTIONS AND THE
STATE'S AMENDED
COMPLAINT**

Plaintiff STATE OF NEBRASKA (the “State”) and Defendants TIKTOK INC., TIKTOK LLC, TIKTOK DATA SECURITY INC., TIKTOK PTE LTD., TIKTOK LTD., BYTEDANCE INC., and BYTEDANCE LTD. (“Defendants,” collectively “Parties”), through their respective counsel, hereby stipulate and agree as follows:

1. On May 22, 2024, the State filed a redacted version of the Complaint (the “Redacted Complaint”).
2. On May 23, 2024, the State moved to file the unredacted Complaint under seal pursuant to Neb. Ct. R. § 2-210(C) on the grounds that the unredacted Complaint contains information disclosed by the Defendants pursuant to the terms of a confidentiality agreement between the Parties.
3. On June 25, 2024, the Parties filed a stipulation reflecting their agreement that the State’s Motion to File Under Seal be granted, and stating their intent to meet and confer in an effort to reach agreement on a narrowing of redactions.

4. Counsel for the Parties subsequently conferred and reached an agreement to substantially narrow the redactions contained in the Redacted Complaint.

5. Specifically, the Parties agree to maintain only certain limited redactions in paragraphs 4, 6, 30(a), 44, 45, 51, 60, 61, 69, 77, 103, 143, 146, 148, 149, 159, 189, 192, 197, 213, and 227 of the Complaint (“Redacted Information”), as reflected in Exhibit A.

6. Defendants represent that the Redacted Information consists of confidential and proprietary business and trade secret information subject to the terms of a confidentiality agreement between the Parties and should remain sealed pursuant to Neb. Ct. R. § 2-210(C) and not made public.

7. Defendants further represent that portions of the Redacted Information could assist bad actors who seek to circumvent Defendants’ safety and content moderation systems, processes, and policies if made public, and that disclosure of this non-public information could cause harm to users of the TikTok platform.

8. In light of Defendants’ representations and the existing confidentiality agreement between the Parties, and expressly reserving its rights to seek to unredact any and all material at the appropriate time, the State agrees to maintain redactions of the Redacted Information.

9. On August 2, 2024, the State notified Defendants that it intends to file an amended complaint containing discrete additions to existing paragraphs 30, 230, and 237 (the “New Material”) and no other changes (collectively, the “Amended Complaint”).

10. Pursuant to Neb. Ct. R. Pldg. § 6-1115(a), Defendants consent to the State’s filing of the Amended Complaint.

11. The Parties agree that the New Material does not require redaction, and that the limited redactions to which the Parties already agreed can be applied without modification to the Amended Complaint.

WHEREFORE, the Parties stipulate and agree that the State may publicly file the Amended Complaint with redactions limited to the Redacted Information reflected in Exhibit A.

IT IS SO STIPULATED.

DATED this 7th day of August, 2024.

TIKTOK INC.; TIKTOK LLC;
TIKTOK AND U.S. DATA
SECURITY INC.; TIKTOK LLC;
TIKTOK PTE LTD; TIKTOK
LTD; AND BYTEDANCE LTD,
Defendants.

STATE OF NEBRASKA ex rel.
MICHAEL T. HILGERS,
ATTORNEY GENERAL,
Plaintiff.

BY: /s/ Michael S. Degan

BY: /s/ Colin P. Snider

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2024, a copy of the foregoing stipulation was filed and served electronically on all counsel of record using the Nebraska Justice e-filing system. Courtesy copies were also provided via email to the above-listed counsel of record.

/s/ Colin P. Snider

Assistant Attorney General

**IN THE DISTRICT COURT OF
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STATE OF NEBRASKA *ex rel.*
MICHAEL T. HILGERS,
ATTORNEY GENERAL,

Plaintiff,

v.

TIKTOK INC.; TIKTOK LLC;
TIKTOK U.S. DATA
SECURITY INC.; TIKTOK
PTE. LTD.; TIKTOK LTD.;
BYTEDANCE INC.; and
BYTEDANCE LTD.

Defendants.

COMPLAINT

No. _____

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NATURE OF THE CASE

1. The State of Nebraska (the “State”), *ex rel.* Michael T. Hilgers, Attorney General, brings this action under Nebraska’s Consumer Protection Laws (as defined below) to hold Defendants accountable for the harms they have inflicted on Nebraskans, most notably vulnerable minors, by falsely marketing and promoting their addictive and otherwise harmful product, TikTok, in this State.

2. Depression, anxiety, eating disorders, and suicide have all reached record levels among American children, leaving parents, educators, medical professionals, clergy, and policymakers alike scrambling to protect the kids under their care. Nebraska is no exception.

3. It is not enough to treat the consequences of failing mental health among our youth, we must address the root of the problem. A growing body of evidence isolates addictive social media as a key driver of the youth mental health crisis.

4. No social media platform epitomizes addictive social media more than TikTok, the China-based social media platform and mobile software application (commonly referred to as an “app”) known for its short-form videos and disproportionately young customer base, with over ████████ active users in Nebraska.

5. TikTok’s centerpiece is its powerful, uniquely addictive “For You” algorithm, which feeds each user an endless series of videos specifically curated to hold his or her attention. By design, this algorithm cultivates compulsive behavior—just like a sophisticated gambling machine. Defendants themselves have described the

algorithm’s “slot machine” effect and admit internally—though not publicly—that “compulsive usage on TikTok is rampant.”¹

6. This is no accident. Defendants’ stated goal is [REDACTED]

[REDACTED].²

7. Most disturbingly, TikTok’s user base is disproportionately made up of children. From the outset, Defendants considered U.S. teens a “golden audience.”³ One of Defendants’ internal documents summarizes “engagement metrics” by stating: “As expected . . . **the younger the user the better the performance.**”⁴

8. TikTok’s reach among U.S. and Nebraska youth is staggering. By 2020, the app had achieved a 95% market penetration for smartphone users between the ages of 13 and 17, with internal documents classifying **more than a third of all daily users as 14 or younger.**⁵ Studies show that half of U.S. teens use TikTok “several

¹ TT-MS-AG-000226709, at –12; TT-MS-AG-0002000080, at –88. Throughout this Complaint, references to documents branded TT-MS-AG refer to documents produced by Defendants to investigating states.

² TT-MS-AG-000138333, at –61, –66.

³ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y. TIMES (August 9, 2016), <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html> (accessed May 16, 2024).

⁴ TT-MS-AG-000080508. Throughout this Complaint, all emphases in quotations have been added unless otherwise noted.

⁵ TT-MS-AG-000080170, at –75, –96; Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions*, N.Y. TIMES (August 14, 2020), <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html/> (accessed May 16, 2024).

times a day” or “almost constantly.”⁶ And 13% of teens say they “wouldn’t want to live” without TikTok.⁷

9. Defendants know their youth-targeted tactics are predatory, admitting internally that “younger users . . . have minimal ability to self-regulate effectively.”⁸ Defendants admit internally, too, that compulsive usage “correlates with a slew of negative mental effects.”⁹ Defendants also know that TikTok is dangerous for children and teens in other ways, including by regularly exposing them to overtly mature, inappropriate, and harmful content.

10. Despite such documented knowledge, Defendants continually misrepresent their platform as safe and appropriate for kids and teens, marketing the app as “Family Friendly” and suitable for users 12 and up, reassuring parents, educators, policymakers, and others that TikTok has “many safeguards in place to protect teens,” and touting its moderation and “safety features” while knowing they are ineffective.¹⁰

11. Defendants have also gone to great lengths to cover up the full scope of their misconduct. In response to the State’s investigation, Defendants repeatedly delayed their responses and missed their own deadlines, taking months to provide basic data about, for example, the number of registered minor users in Nebraska. Defendants’ dilatory tactics in response to the State’s investigation are consistent with what appears to be a nationwide strategy of delay and

⁶ Monica Anderson et al., *Teens, Social Media and Technology 2023*, Pew Research Center (December 11, 2023), <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/> (accessed May 16, 2024).

⁷ *The Common Sense Consensus: Media Use by Tweens and Teens*, https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf (accessed May 16, 2024).

⁸ TT-MS-AG-000200080, at –90.

⁹ *Id.* at –88.

¹⁰ *See, e.g.*, TT-MS-AG-000010060.

failure to cooperate in response to investigations brought by the attorneys general of other states.

12. Defendants cannot be allowed to mislead Nebraskans about the safety of TikTok, to fuel a youth mental health crisis in Nebraska, to interfere with the rights of Nebraska’s parents and guardians to protect their children, and to hide the evidence.

13. To remedy and put an end to Defendants’ wrongdoing, the State hereby seeks civil penalties and injunctive relief against Defendants under the Consumer Protection Act, NEB. REV. STAT. §§ 59-1601 *et seq.*, and the Uniform Deceptive Trade Practices Act, NEB. REV. STAT. §§ 87-301 *et seq.* (together, the “Consumer Protection Laws”).

PARTIES

I. Plaintiff

14. The Plaintiff is the State of Nebraska, *ex rel.* Michael T. Hilgers, Attorney General, who brings this action under Nebraska’s Consumer Protection Laws. *See* NEB. REV. STAT. § 59-1608; NEB. REV. STAT. § 87-303.05.

15. As the State’s chief law enforcement officer, the Attorney General must hold TikTok accountable for preying on Nebraska consumers, particularly Nebraska youth.

16. The people of Nebraska protect their youth from all sorts of addictive and harmful products, including tobacco, alcohol, gambling, and pornography. *See, e.g.*, NEB. REV. STAT. § 28-1418 (tobacco); NEB. REV. STAT. § 53-180 (alcohol); NEB. REV. STAT. § 53-198 (gambling); LB1092 (slip law) (approved by Governor on April 16, 2024) (pornography).

17. One critical way the people of Nebraska have chosen to protect themselves is by giving the Attorney General the power to enforce the Consumer Protection Laws against individuals or entities,

like Defendants, that engage in deceptive, unfair, and unconscionable practices that harm Nebraskans.

18. In the late 1990s, for example, the Attorney General brought claims under Nebraska’s Consumer Protection Laws against tobacco manufacturers, securing injunctive relief and monetary payments for cigarette-related health care costs borne by the State as a result of Big Tobacco’s deceptive trade practices. These injunctive terms included strong prohibitions aimed at protecting Nebraska youth from the dangers of tobacco.

II. Defendants

19. Defendant TikTok Inc., formerly known as Musical.ly Inc., is a California corporation with its headquarters at 5800 Bristol Parkway, Culver City, CA 90230. TikTok Inc. operates the social media platform and app known as TikTok.

20. Defendant TikTok LLC is a Delaware limited liability company with its headquarters at 5800 Bristol Parkway, Culver City, CA 90230. TikTok LLC wholly owns TikTok Inc.

21. Defendant TikTok U.S. Data Security Inc. (“USDS”) is a Delaware corporation with its headquarters at 5800 Bristol Parkway, Culver City, CA 90230. USDS is a subsidiary of TikTok Inc. and is described as “managing all business functions that require access to [certain] user data” for U.S. consumers on the TikTok platform.¹¹

22. Defendant TikTok Pte. Ltd. is headquartered at 1 Raffles Quay, #26-10, South Tower, Singapore 04583. TikTok Pte. Ltd. is listed in the Apple App Store as the “Seller” of the TikTok app and is similarly identified in the Google Play Store and Microsoft Store.

¹¹ *What is USDS and how is it governed?*, TikTok U.S. Data Security, <https://usds.tiktok.com/what-is-usds/> (accessed May 16, 2024).

23. Defendant TikTok Ltd. is a Cayman Islands corporation with its headquarters in Shanghai, China. TikTok Ltd. wholly owns TikTok LLC and TikTok Pte. Ltd. and is listed in the App Store as the “developer” of the TikTok app.

24. Defendant ByteDance Inc. is a Delaware corporation with its headquarters at 1199 Coleman Avenue, San Jose, CA 95110. ByteDance Inc. is wholly owned by ByteDance Ltd.

25. Defendant ByteDance Ltd. is a Cayman Islands corporation with its headquarters in Beijing, China. It is the ultimate parent company of all other Defendants and exercises control over their operations. For example, ByteDance Ltd. created and owns TikTok’s proprietary algorithm.¹² ByteDance Ltd. “plays a role in the hiring of key personnel at TikTok” and high-level ByteDance Ltd. employees serve in dual roles for ByteDance Ltd. and other Defendants.¹³ In April 2021, when Shou Zi Chew was named CEO of TikTok, he was also serving as CFO of ByteDance Ltd.¹⁴ As CEO, Chew reports to the CEO of ByteDance Ltd. Former employees confirm

¹² Zhou Xin & Tracy Qu, *TikTok’s algorithm not for sale, ByteDance tells US: source*, S. CHINA MORNING POST (September 13, 2020), <https://www.scmp.com/economy/china-economy/article/3101362/tiktoks-algorithm-not-sale-bytedance-tells-us-source> (accessed May 20, 2024).

¹³ See, e.g., TT-MS-AG-000213870, at –74; Drew Harwell & Elizabeth Dwoskin, *As Washington wavers on TikTok, Beijing exerts control*, WASH. POST (October 30, 2022), <https://www.washingtonpost.com/technology/interactive/2022/bytedance-tiktok-privacy-china/> (accessed May 16, 2024); Decl. of Vanessa Pappas ¶ 1, *TikTok Inc. v. Trump*, No. 20-cv-02658 (D.D.C. Sept. 23, 2020), ECF No. 15-3; Decl. of Roland Cloutier ¶¶ 1–2, *TikTok Inc. v. Trump*, No. 20-cv-02658 (D.D.C. Sept. 23, 2020), ECF No. 15-2.

¹⁴ *TikTok Names CEO and COO*, TikTok (April 30, 2021), <https://newsroom.tiktok.com/en-us/tiktok-names-ceo-and-coo> (accessed May 16, 2024); Ryan Mac & Chang Che, *TikTok’s C.E.O. Navigates the Limits of His Power*, N.Y. TIMES (September 16, 2022), <https://www.nytimes.com/2022/09/16/technology/tiktok-ceo-shou-zi-chew.html> (accessed May 16, 2024).

that ByteDance Ltd. exercises functional control over other Defendants.¹⁵

26. There is no meaningful separation among the Defendants, who have jointly advertised, marketed, developed, and distributed the TikTok platform, app, and underlying technologies to consumers throughout the United States, including in Nebraska. All Defendants have actively formulated, participated in, approved, directed, or otherwise controlled the acts of practices referred to herein and are collectively referred to in this Complaint as “Defendants.”

VENUE AND JURISDICTION

27. This Court has subject matter jurisdiction pursuant to NEB. REV. STAT. § 24-302.

28. Venue is appropriate in this Court pursuant to Nebraska’s Consumer Protection Laws. *See* NEB. REV. STAT. § 87-303.05(1); NEB. REV. STAT. § 59.1608.01.

¹⁵ *See, e.g.,* Emily Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots, Ex-Employees Say*, FORBES (September 21, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/09/21/tiktok-bleeding-us-execs-china-control-bytedance/>; Emily Baker-White, *A China-Based ByteDance Team Investigated TikTok’s Global Security Chief, Who Oversaw U.S. Data Concerns*, FORBES (October 25, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/10/25/bytedance-tiktok-investigation-global-chief-security-officer-roland-cloutier/>; Salvador Rodriguez, *TikTok insiders say social media company is tightly controlled by Chinese parent ByteDance*, CNBC (June 25, 2021), <https://www.cnbc.com/2021/06/25/tiktok-insiders-say-chinese-parent-bytedance-in-control.html>; Emily Baker-White, *Leaked Audio From 80 Internal TikTok Meetings Shows That US User Data Has Been Repeatedly Accessed From China*, BUZZFEED NEWS (June 17, 2022), <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-tapes-us-user-data-china-bytedance-access>; Alexandra Sternlicht, *Some ex-TikTok employees say social media service worked closely with its China-based parent despite claims of independence*, YAHOO! FINANCE (April 15, 2024), <https://finance.yahoo.com/news/ex-tiktok-employees-social-media-103000700.html> (all links accessed May 16, 2024).

29. This Court has personal jurisdiction over Defendants pursuant to NEB. REV. STAT. § 25-536 because the misrepresentations that form the basis for this action were targeted to Nebraska citizens—including parents and guardians, children and teens, teachers and school administrators, as well as other consumers—and have caused substantial harm in Nebraska and to Nebraskans.

30. Among other actionable conduct alleged in this Complaint, Defendants have targeted Nebraska citizens and the State of Nebraska in the following ways:

- a. Targeting Nebraska consumers with ██████████ ██████████ in advertising for the TikTok platform between August 2020 and October 2023;
- b. Marketing and promoting the TikTok platform to consumers in Nebraska, including through listings on popular app stores, with misleading age ratings of “12+” or “Teen”;
- c. Entering into contractual agreements with every Nebraska user who registers a TikTok account, including minors, providing access to the platform in exchange for their user data;
- d. Exploiting Nebraska user data, including from minors and other users engaged in compulsive or harmful use, to sell advertising and increase revenue;
- e. Selling and serving up Nebraska-specific ads to Nebraska consumers, including minors, based on Nebraska user data;
- f. Making representations to Nebraska consumers about the safety and suitability of TikTok for

children and teens in public statements, ads, and other communications targeted to Nebraska youth, parents, teachers, and more; and

- g. Making representations about user data collection and access to every Nebraska consumer who registers a TikTok account, through TikTok’s privacy policies.

31. This action is brought exclusively under Nebraska law to protect Nebraska citizens. The State specifically disclaims federal jurisdiction or reliance on federal law.

32. The State demands a jury trial on all of its claims under the Consumer Protection Laws. *See* LB934 (slip law) (approved by Governor on April 15, 2024).

FACTUAL ALLEGATIONS

I. TikTok’s Primary Audience Is and Always Has Been Children and Teens

33. TikTok is commonly known as the “youngest” social media platform, with unprecedented market penetration among and influence over U.S. children and teens—many of whom spend hours on the TikTok app every single day. This is by design.

A. TikTok was created to target U.S. children and teens

34. The ultimate owner and operator of the TikTok platform is ByteDance, a Chinese corporation founded by software engineer Zhang Yiming in 2012. From its founding and earliest products, ByteDance was focused on aggregating as much user data as possible

so that powerful artificial intelligence (“AI”) algorithms could serve tailored content to users and drive continuous engagement.

35. In 2016, ByteDance created Douyin, sometimes referred to as the “Chinese TikTok,” to mimic a dancing and lip-syncing video app called Musical.ly, which had already become popular with tens of millions of teens and pre-teens in the United States.

36. Musical.ly was created by another Chinese developer, Alex Zhu, who designed and built Musical.ly from the company’s headquarters in Shanghai to target U.S. teens.

37. Zhu went to great lengths to understand and appeal to his target market, creating numerous fake accounts to interact with Musical.ly’s young users, many of whom were in elementary school. Zhu would even contact the parents of budding stars on the platform, taking the families out to dinner, and asking questions about how best to reach the young influencers’ peers.

38. Zhu’s unconventional market research was effective. By 2017, Musical.ly had over 100 million registered users, most of them in the United States, the vast majority of whom were under the age of 18—many of them under the age of 10. As one industry expert described it, Musical.ly was “no question the youngest social network we’ve ever seen.”¹⁶

39. In interviews, Zhu—now a senior executive at ByteDance—described U.S. teenagers as a “golden audience.”¹⁷ To

¹⁶ John Herrman, *Who’s Too Young for an App? Musical.ly Tests the Limits*, N.Y. TIMES (September 16, 2016), <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html> (accessed May 16, 2024).

¹⁷ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y. TIMES (August 9, 2016), <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html> (accessed May 16, 2024).

explain why the platform was built to appeal to such young users, Zhu candidly explained, “[i]t’s better to have young people as an early adopter, especially the teenagers in the U.S. Why? **They got a lot of time.**”¹⁸

40. In 2017, ByteDance paid \$1 billion to acquire Musical.ly and its tens of millions of minor users, re-branding and folding Musical.ly into its own product: TikTok.

41. From 2017 to 2020, Zhu remained TikTok’s CEO, overseeing a platform that was a reincarnation of Musical.ly—now turbocharged with an infusion of ByteDance cash, developer talent, and a sharp focus on capturing a U.S. and international social media market. And just as it was from the beginning, TikTok’s primary target audience was U.S. teenagers.

42. TikTok’s growth reflects this conscious, youth-focused strategy. An internal chart detailing TikTok’s “US growth history” shows that the platform’s first two growth phases—from 2014 through March 2020—were driven by users 17 and under.¹⁹ By early 2020, an internal presentation announced that TikTok had “hit a ceiling among young users.”²⁰

43. According to multiple studies, TikTok is the most popular social media platform used by children and teenagers in the United States.²¹

¹⁸ Yiren Lu, *The Best Consultants in Silicon Valley Are Teenagers*, NEW YORK MAGAZINE (April 7, 2017), <https://nymag.com/intelligencer/2017/04/housepartys-teenage-consultants-help-design-the-app.html> (accessed May 16, 2024).

¹⁹ TT-MS-AG-000138333, at –42.

²⁰ TT-MS-AG-000080170, at –75.

²¹ Monica Anderson et al., *Teens, Social Media and Technology 2023*, Pew Research Center (December 11, 2023), <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/> (accessed May 16, 2024); “Most popular social

44. ByteDance’s investment and youth-focused strategy paid off. In 2022, TikTok was the most downloaded app in the world. Today, it has over 1 billion active users, including 170 million active users in the United States and ██████ active users in Nebraska.

45. According to data Defendants provided to the State, ██████ of TikTok’s active users in Nebraska are under 18. On information and belief, this reported figure dramatically undercounts the true number of Nebraska youth on TikTok. As discussed in more detail below, the vast majority of minor users on the platform report that they are over the age of 18 and, despite being well aware of this fact, Defendants do nothing to verify users’ ages.

B. How and why TikTok targets children and teens

46. TikTok specializes in short-form mobile video content uploaded by users, with each video ranging from 15 seconds to 10 minutes. Other users can then watch, “like,” comment on, or use the video to create their own videos on the platform. TikTok videos are often set to popular music or other “trending” audio that TikTok’s proprietary algorithm will amplify.

47. TikTok features both permanent and ephemeral video content, including “live streaming” videos that are accessible only while the user is actively filming and temporary content called “Stories” that are visible to other users for only 24 hours.

48. TikTok is best known for its “For You” page (sometimes referred to by popular internet hashtags #fyp or #foryou), which is the primary “home” screen for the app. The “For You” page uses TikTok’s algorithm to feed each user a personalized and never-ending feed of videos tailored to his or her interests. TikTok uses all available inputs

apps used by children in the United States in 2023,” Statista, <https://www.statista.com/statistics/1339193/leading-social-apps-children-us> (accessed May 16, 2024).

to inform its algorithm, including what videos a user likes or comments on, what videos he or she watches or re-watches, and even what videos cause the user to momentarily pause his or her scrolling.

49. By design, TikTok’s algorithm does not necessarily serve up content that its users will **like**, just content it knows will keep them **engaged**. As one expert has explained, “[t]he [TikTok] algorithm is able to find the piece of content that you’re vulnerable to, that will make you click, that will make you watch, but it doesn’t mean that you really like it. . . . It’s just the content that’s most likely to make you stay on the platform.”²² As another commentator put it, “you don’t tell TikTok what you want to see. It tells you.”²³

50. Defendants have an “advertising-based business model,” which means they are in the business of user data collection.²⁴ That means that the more time users spend on TikTok, the more data Defendants collect. The more data Defendants collect, the more attractive their platform is for advertisers considering whether to advertise with TikTok or its competitors. And the more attractive TikTok is to advertisers, the more money Defendants make.

51. As Defendants put it in a 2021 strategy presentation, the platform is in an “arms race for attention.”²⁵ Defendants measure “attention” using a variety of metrics, including:

²² “Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires,” WALL ST. J. (July 21, 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796> (at 10:20) (accessed May 16, 2024).

²³ Drew Harwell, *How TikTok ate the internet*, WASH. POST (October 14, 2022), <https://www.washingtonpost.com/technology/interactive/2022/tiktok-popularity/> (accessed May 16, 2024).

²⁴ TT-MS-AG-000199596, at –607.

²⁵ TT-MS-AG-000138368, at –91.

- Daily Active Users (DAU);
- Monthly Active Users (MAU);
- ██████████;
- ██████████;
- ██████████;
- ██████████; and
- ██████████.

52. According to Defendants, TikTok’s incredible advertising success is attributable to the fact that its users are “fully leaned in and immersed compared to other platforms.” Defendants describe TikTok as “the leading platform for Information Density” because of its “algorithm and shorter video formats” that “create continuous cycles of engagement.”²⁶

53. Whenever a user in Nebraska (or anywhere else in the U.S.) registers a TikTok account, he or she enters into a contract with TikTok Inc., known as the Terms of Service. Under this contract, users gain access to the TikTok platform and, in consideration, “acknowledge and agree that [TikTok Inc.] may generate revenues, increase goodwill or otherwise increase [its] value from [their] use of the Services,” including but not limited to “the sale of advertising . . . [and] usage data” and the collection of user data under TikTok’s Privacy Policy.²⁷

²⁶ *TikTok Ads Break Through Better Than TV And Drive Greater Audience Engagement*, TikTok, <https://www.tiktok.com/business/library/TikTokDrivesGreaterAudienceEngagement.pdf> (accessed May 16, 2024).

²⁷ *Terms of Service*, TikTok (updated November 2023), <https://www.tiktok.com/legal/page/us/terms-of-service/en> (accessed May 16, 2024).

54. Defendants collect massive amounts of user data. This data includes a user’s name, age, gender, email, phone number, and profile photos, but also goes far beyond those typical categories. Defendants track virtually **everything** TikTok users do on the app, every video they watch or linger on, every like, comment, and message, every search and click. They track their location, keystroke patterns, browsing history, and biometric identifiers, such as faceprints and voiceprints. They track what devices users use, including devices on which they never use TikTok. They mine their videos for demographic identifiers. They even track what users do on **other** websites and apps, or purchase in other stores, online or brick-and-mortar.²⁸

55. Up until August 2020—and to this day for users with older versions of the app—Defendants also collected “precise or approximate GPS information” from TikTok users.²⁹

56. Cybersecurity experts have raised concerns over Defendants’ massive data collection, pointing to the People’s Republic of China (“PRC”) National Intelligence Law of 2017, which, as described by the U.S. Department of Homeland Security, “compels all PRC firms and entities”—including Defendants—“to support, assist, and cooperate with the PRC intelligence services,” creates “a legal obligation for those entities to turn over data collected abroad and domestically to the PRC,” and mandates that companies “keep the secrets of the national intelligence work from becoming known to the public.”³⁰

57. For years, Defendants have repeatedly denied that sensitive user data is shared with or easily accessible to Defendants’

²⁸ *Privacy Policy*, TikTok (updated March 28, 2024), <https://www.tiktok.com/legal/page/us/privacy-policy/en> (accessed May 16, 2024).

²⁹ *Id.*

³⁰ *Data Security Business Advisory*, U.S. Dep’t Homeland Security, https://www.dhs.gov/sites/default/files/publications/20_1222_data-security-business-advisory.pdf (accessed May 16, 2024).

employees in China or subject to Chinese intelligence laws, incorporating these representations into TikTok’s Privacy Policy by directing consumers to the USDS website. These representations are false and misleading, as shown by leaked audio tapes and media reports based on interviews with former TikTok employees.³¹

58. In light of these cybersecurity concerns, then-Governor Pete Ricketts imposed the nation’s second ban on the use of TikTok on State-owned devices in August 2020.³² Today, federal agencies, including the U.S. military, at least 20 countries, and more than half of all states have followed Nebraska’s lead and instituted similar bans on the TikTok app.³³

59. Unlike some of their competitors, Defendants specifically target children, including users under 13. One of the many ways they do so in the United States is by providing users with a version of TikTok sometimes referred to as “Kids Mode.” Publicly, Defendants describe Kids Mode as “a curated, view-only experience for those under

³¹ See, e.g., Emily Baker-White, *Leaked Audio From 80 Internal TikTok Meetings Shows That US User Data Has Been Repeatedly Accessed From China*, BUZZFEED NEWS (June 17, 2022), <https://www.buzzfeednews.com/article/emilybakerwhite/tiktok-tapes-us-user-data-china-bytedance-access> (accessed May 16, 2024); Alexandra Sternlicht, *Some ex-TikTok employees say the social media service worked closely with its China-based parent despite claims of independence*, YAHOO! FINANCE (April 15, 2024), <https://finance.yahoo.com/news/ex-tiktok-employees-social-media-103000700.html> (accessed May 16, 2024).

³² Christina Stella, *Governor Ricketts Announces TikTok Ban on State-Owned Devices*, NEBRASKA PUBLIC MEDIA (August 12, 2020), <https://nebraskapublicmedia.org/en/news/news-articles/governor-ricketts-announces-tiktok-ban-on-state-owned-devices> (accessed May 16, 2024).

³³ Kelvin Chan & Haleluya Hadero, *Why TikTok’s security risks keep raising fears*, ASSOCIATED PRESS (March 23, 2023), <https://apnews.com/article/tiktok-ceo-shou-zichew-security-risk-cc36f36801d84fc0652112fa461ef140> (accessed May 16, 2024); Kelvin Chan, *Here are the countries that have bans on TikTok*, ASSOCIATED PRESS (April 4, 2023), <https://apnews.com/article/tiktok-ban-privacy-cybersecurity-bytedance-china-2dce297f0aed056efe53309bbcd44a04> (accessed May 16, 2024).

age 13.”³⁴ Experts describe it as a “watered-down version . . . designed to fuel interest in the grown-up version.”³⁵

60. Like TikTok generally, Kids Mode is designed to maximize the time children spend on the TikTok platform. [REDACTED]

[REDACTED] ³⁶ Another internal document shows [REDACTED]

[REDACTED].³⁷

61. To drive engagement and retention of young users, Defendants have also created their own content by having employees run “shadow accounts” to import videos from other platforms and [REDACTED].³⁸

62. Defendants have also focused their advertising on other social media platforms popular with teens. In 2019, 80% of TikTok ad spending was on Snap (a.k.a. Snapchat), an instant messaging app that reaches 90% of 13- to 24-year-olds in the U.S.³⁹

³⁴ *Guardian’s Guide*, TikTok, <https://www.tiktok.com/safety/en/guardians-guide/> (accessed May 16, 2024).

³⁵ Leonard Sax, *Is TikTok Dangerous for Teens?*, Institute for Family Studies (March 29, 2022), <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens-> (accessed May 16, 2024).

³⁶ TT-MS-AG-000203581, at –83-84.

³⁷ TT-MS-AG-000027794, at –94.

³⁸ Sam Biddle et al., *Invisible Censorship*, THE INTERCEPT (March 16, 2020), <https://theintercept.com/2020/03/16/tiktok-app-moderators-users-discrimination/> (accessed May 16, 2024); see also TT-MS-AG-000080360; TT-MS-AG-000093921, at –25-26.

³⁹ *TikTok – Snapchat’s Biggest Advertiser – What’s the strategy*, MEDIARADAR (February 24, 2020), <https://mediaradar.com/blog/tiktok-snapchat-advertising-strategy/> (accessed May 16, 2024); Sarah Perez, *Snapchat to take on TikTok with a new music-powered feature rolling out this fall*, TECHCRUNCH (August 3, 2020),

63. In 2022, global advertising revenue for TikTok was projected to reach \$11 billion, more than rivals Twitter (now X) and Snap combined. Well over half of that revenue, nearly \$6 billion, was projected to come from users in the United States.⁴⁰

64. In 2023, TikTok's U.S. revenue hit a record \$16 billion.⁴¹

65. Based on available data, researchers estimate that 35% of TikTok's U.S. ad revenue is derived from children and teenagers—users 17 or younger.⁴²

II. TikTok is Addictive and Harmful for Children and Teens

66. Defendants' aggressive targeting of minors is especially problematic in light of the highly addictive design of the TikTok algorithm and the frequent and intense mature content made available to minors on the platform. TikTok's addictive design and mature content poses a systemic risk of harm to—and actually harms—young users. Despite knowing this, Defendants have long refused to take meaningful action, prioritizing profit over children and teens.

<https://techcrunch.com/2020/08/03/snapchat-to-take-on-tiktok-with-a-new-music-powered-featuring-rolling-out-this-fall/> (accessed May 16, 2024).

⁴⁰ *TikTok's ad revenue to surpass Twitter and Snapchat combined in 2022 - report*, REUTERS (April 11, 2022), <https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11> (accessed May 16, 2024).

⁴¹ *TikTok's US revenues hit \$16bn as Washington threatens ban*, FIN. TIMES (March 15, 2024), <https://www.ft.com/content/275bd036-8bc2-4308-a5c9-d288325b91a9> (accessed May 17, 2024).

⁴² Amanda Raffoul et al., *Social media platforms generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue model*, PLOS ONE JOURNAL (December 27, 2023), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0295337> (accessed May 16, 2024).

A. TikTok is designed to be addictive

67. TikTok is designed to be addictive. In addition to the “social rewards” in the form of likes, comments, and views, the “For You” algorithm closely mimics the variability of a slot machine—an analogy Defendants have expressly adopted in internal documents—rationing out videos it knows the user will like. A user’s brain never knows what is coming next but quickly learns that another dopamine “hit” will arrive soon, if only he or she just keeps scrolling.

68. In the same way most casinos eliminate natural light or clocks to minimize the sensation of time, on some phones the TikTok app was designed to hide the system clock, ensuring that users would not realize how much time they were spending on the app.⁴³

69. Defendants’ stated goal is to ensure that new users [REDACTED] [REDACTED] which means [REDACTED] [REDACTED] [REDACTED]⁴⁴

70. Experts have repeatedly noted these similarities in the design of TikTok and other social media platforms, describing them as like a “slot machine in your pocket” and explaining that the chemical response in the brain is “a very similar experience” to “taking a drug.”⁴⁵

⁴³ Louise Matsakis, *On TikTok, There Is No Time*, WIRED (October 3, 2019), <https://www.wired.com/story/tiktok-time/> (accessed May 16, 2024).

⁴⁴ TT-MS-AG-000138333, at –61, –66.

⁴⁵ Tristan Harris, *The Slot Machine in Your Pocket*, SPIEGEL INT’L (July 27, 2016), <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html> (accessed May 16, 2024); Eames Yates, *What happens to your brain when you get a like on Instagram*, BUS. INSIDER (March 25, 2017), <https://www.businessinsider.com/what-happens-to-your-brain-like-instagram-dopamine-2017-3> (accessed May 16, 2024).

71. For their part, Defendants admit internally that the “product in itself has baked into it compulsive use” and that “compulsive usage on TikTok is rampant.”⁴⁶ Why? According to Defendants, it is because their “advertising-based business model encourages **optimization for time spent in the app**, through our recommender algorithm and design of new features.”⁴⁷

72. As Defendants have explained, TikTok’s success “can largely be attributed to strong . . . personalization and automation, which **limits user agency**” and a “product experience utiliz[ing] **many coercive design tactics**,” including “numerous features”—like “[i]nfinite scroll, auto-play, constant notifications,” and “the ‘slot machine’ effect”—that “can be considered **manipulative**.”⁴⁸

B. Minors are especially susceptible to compulsive usage of TikTok

73. Children and teens are particularly vulnerable to addiction to social media because their brains—including the prefrontal cortex, the part of the brain that governs higher reasoning, goal setting, and impulse control—are still developing. According to studies, adolescent cortical development is a critical period of vulnerability for addiction.⁴⁹

74. The problem is so severe that young users themselves recognize it. According to a recent study, 36% of U.S. teens say they

⁴⁶ TT-MS-AG-000285717 (at 51:42); TT-MS-AG-000200080, at –88.

⁴⁷ TT-MS-AG-000199596, at –607.

⁴⁸ TT-MS-AG-000200080, at –90, –96; TT-MS-AG-000226709, at –12.

⁴⁹ Fulton Crews et al., *Adolescent cortical development: A critical period of vulnerability for addiction*, PHARMACOLOGY, BIOCHEMISTRY & BEHAVIOR (2007), <https://www.sciencedirect.com/science/article/abs/pii/S009130570600400X> (accessed May 16, 2024); Zara Abrams, *Why young brains are especially vulnerable to social media*, American Psychological Association (February 3, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens> (accessed May 16, 2024).

use social media “too much,” and more than half say that giving it up would be “somewhat” or “very” hard.⁵⁰

75. While recent studies of social media often address multiple platforms, most specifically encompass adolescent use of TikTok. This is no surprise, since TikTok has achieved 95% market penetration for teen smartphone users in the U.S. and almost six out of 10 teens report using TikTok at least daily. Nearly half of teens report using TikTok at least “several times a day,” and 17% describe their TikTok use as “almost constant.” Among teen girls, more than one out of five report being on TikTok “almost constantly.”⁵¹

76. Defendants admit that teens are especially susceptible to compulsive usage of the TikTok platform. Internal documents highlight the fact that minor users are “particularly sensitive to reinforcement in the form of social award,” have “minimal ability to self-regulate effectively,” and “do not have executive function to control their screen time.”⁵²

77. Defendants’ own data plainly shows that their youngest users are vulnerable to extreme usage. An internal chart shows Average Daily Usage of ██████████ for users 14 or under, more than ██████ higher than the age group (██████) with the second-highest average. The ██████ percentile of users 14 or under averaged ██████ hours on TikTok per day and the ██████ percentile of users 14 or under averaged more than ██████████ per day.⁵³

⁵⁰ Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Research Center, <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> (accessed May 16, 2024).

⁵¹ Monica Anderson et al., *Teens, Social Media and Technology 2023*, Pew Research Center, <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/> (accessed May 16, 2024).

⁵² TT-MS-AG-000200080, at –90; TT-MS-AG-000229158, at –58; TT-MS-AG-000226709, at –12.

⁵³ TT-MS-AG-000028368, at –71.

C. TikTok causes a host of harms to minor users, including Nebraska youth

78. Compulsive usage of TikTok is harmful to minors in and of itself, as Defendants’ internal reports on the effects of that “rampant” overuse acknowledge: “[C]ompulsive usage correlates with a slew of negative mental health effects like loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety,” in addition to “interfer[ing] with essential personal responsibilities like sufficient sleep, work/school responsibilities, and connecting with loved ones.”⁵⁴

79. Indeed, the harms resulting from teen overuse of social media, including TikTok, encompass virtually every indicator of youth mental unwellness, including increased rates of major depressive episodes and anxiety, body image problems and eating disorders, sleep disturbance, loneliness, suicidal ideation, and suicide attempts.⁵⁵

80. Despite a lack of transparency by Defendants and other social media companies, which impedes research, a growing body of peer-reviewed scientific literature nonetheless confirms that social media addiction and overuse is harmful, worsening mental health outcomes—including depression and anxiety, self-harm, low life satisfaction, and poor self-esteem—even more than other types of “screen time,” like video games or television.⁵⁶

81. Young users are especially susceptible due to their

⁵⁴ TT-MS-AG-000200080, at –88.

⁵⁵ See, e.g., Jonathan Haidt et al., *Social Media and Mental Health: A Collaborative Review* (New York University, unpublished manuscript), <https://tinyurl.com/SocialMediaMentalHealthReview> (accessed May 16, 2024); Jacqueline Nesi et al., *Handbook of Adolescent Media Use and Mental Health*, CAMBRIDGE UNIV. PRESS (2022).

⁵⁶ Jean Twenge & Eric Farley, *Not All Screen Time Is Created Equal: Associations with Mental Health Vary by Activity and Gender*, 56 SOC. PSYCH. & PSYCH. EPIDEMIOLOGY 207, 207-17 (2021).

vulnerable developmental phase. For instance, research indicates that going through puberty while being a heavy social media user interferes with a sensitive period for social learning and friendship formation.⁵⁷

82. Not only does social media harm mental health, but studies show that mental health gets better when social media use is limited. In a controlled experiment, college students who scored high on a depression scale improved significantly once they limited themselves to 30 minutes per day, as compared to students who continued using social media as usual.⁵⁸

83. By maximizing TikTok’s addictive properties, Defendants harm minors by robbing them of positive and healthy life experiences, displacing time young people should be spending on more beneficial activities, like socializing with friends and family in person, playing outside, exercising, reading, doing homework, and sleeping.

84. Interfering with sleep is one primary way that social media use—especially use of TikTok—harms minor users. That, in turn, causes or exacerbates symptoms of depression and anxiety.⁵⁹ As described in more detail below, Defendants know and admit this.

85. While some academic studies address other social media platforms or refer to social media or “digital media” in general, the best evidence suggests that TikTok is even **more** problematic, addictive, and harmful than other platforms. As stated above, social media is worse for mental health in minors than other forms of screen time. And

⁵⁷ Amy Orben et al., *Windows of Developmental Sensitivity to Social Media*, 13 NATURE COMMS. (2022).

⁵⁸ Melissa G. Hunt et al., *No More FOMO: Limiting Social Media Decreases Loneliness and Depression*, 13 J. OF SOCIAL & CLINICAL PSYCH. 751-68 (2018).

⁵⁹ See, e.g., Holly Scott et al., *Social Media Use and Adolescent Sleep Patterns: Cross-Sectional Findings from the UK Millenium Cohort Study*, 9 BMJ OPEN 1 (2019); Garrett Hisler et al., *Associations between screen time and short sleep duration among adolescents vary by media type: evidence from a cohort study*, 66 SLEEP MEDICINE 99, 92-103 (2020).

TikTok is especially addictive and sophisticated, as Defendants' own internal studies of users demonstrate.⁶⁰

86. The mental health consequences for youth are sobering.

87. In late 2021, the U.S. Surgeon General issued a public health advisory to “highlight the urgent need to address the nation’s youth mental health crisis,” as well as to call on “technology companies” to “step and up and take responsibility.”⁶¹

88. In a statement accompanying the advisory, the Surgeon General stressed that “[m]ental health challenges in children, adolescents, and young adults are real and widespread” and represent “the leading cause of disability and poor life outcomes in youth.”⁶²

89. According to the Surgeon General, “national surveys of youth have shown major increases in certain mental health symptoms, including depressive symptoms and suicidal ideation.” From 2009 to 2019, the number of high school students reporting “persistent feelings of sadness or hopelessness” increased by 40%, to more than one in three students. Youth psychiatric visits to emergency departments for depression, anxiety, and behavioral challenges increased by 28%. Perhaps most alarmingly, the number of U.S. youth seriously considering attempting suicide increased by 36%, and the number

⁶⁰ TT-MS-AG-000204555, at –57.

⁶¹ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic*, Southeast ADA Center (December 14, 2021), <https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/> (accessed May 16, 2024); *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory*, U.S. Dep’t of Health & Human Servs. (2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf> (accessed May 16, 2024).

⁶² *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic*, Southeast ADA Center (December 14, 2021), <https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/> (accessed May 16, 2024).

creating a suicide plan increased by 44%. Between 2007 and 2018, suicide rates among youth increased by almost 60%.⁶³

90. Mental health challenges are especially acute for teen girls.⁶⁴ In 2023, the U.S. Centers for Disease Control and Prevention released new statistics revealing that, in 2021, nearly three in five teenage girls experienced persistent sadness—defined as sadness every day for at least two weeks in the past year—and one in three seriously considered suicide.⁶⁵

91. The children and teenagers of Nebraska have not been spared the impacts of the youth mental health crisis driven by social media companies like Defendants. All of the harms to minors described in this Complaint are true of youth in Nebraska.

92. For example, according to data from the Nebraska Youth Risk Behavior Survey (“Nebraska YRBS”), the number of youth who reported feeling sad or hopeless almost every day for at least two weeks in the past year increased from 20% in 2012 to 36% in 2021. Nearly half of all Nebraska girls reported feeling sad or hopeless, compared to 25% of boys.

93. Reflecting the staggering rise in depression and anxiety, the Nebraska YRBS data shows that one out of five high school students in Nebraska seriously considered attempting suicide in the

⁶³ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory*, U.S. Dep’t of Health & Human Servs. (2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf> (accessed May 16, 2024).

⁶⁴ *Id.*; Jean M. Twenge et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increase New Media Screen Time*, 6 *CLINICAL PSYCH. SCI.* 3-17 (2017).

⁶⁵ Azeen Ghorayshi & Roni Caryn Rabin, *Teen Girls Report Record Levels of Sadness, C.D.C. Finds*, *N.Y. TIMES* (February 13, 2023), <https://www.nytimes.com/2023/02/13/health/teen-girls-sadness-suicide-violence.html> (accessed May 16, 2024).

past 12 months, with 14% making a suicide plan and 10% actually attempting it.

94. These are not the only harms caused by Defendants. As described below, TikTok’s algorithm repeatedly exposes minors to disturbing and highly mature content—including sex, drugs, profanity, extreme dieting, self-harm, and other developmentally unsuitable content—that impressionable young users cannot unsee.

D. Defendants know TikTok is harmful for minor users

95. As described above, Defendants admit internally that TikTok’s algorithm has a “slot machine” effect, that it is designed to “limit[] human agency,” that “compulsive use” is “baked into” the “product itself,” and that unhealthy usage on TikTok is “rampant.”

96. In fact, Defendants have identified their “users’ biggest usage deterrent” as being that “they think the platform is addictive,” pointing to “many app store reviews that echo [that] sentiment.” Examples of specific app store reviews Defendants themselves have noted internally include:

- a. “[T]his app can get very addictive and keep you up for hours!”
- b. “i love this app its so addictive but i have some problems. my sister and brother and me are stuck at 3am scrolling through it!”
- c. “Do not download this app unless you’re able to spend at least two hours a day on it. It’s addicting!”
- d. “I highly recommend that you don’t get Tik Tok because I’ve been addicted ever since I started posting!”

- e. “Addictive!! Beware!!”
- f. “the app can become extremely addicting and I find so many young kids from the ag [sic] of 8 on this app and there is so many inappropriate videos”
- g. “this app can be very addicting you start to forget about your school work, friends, and even your family”
- h. “I even find myself obsessive, very very obsessive. The app is just too hard to get off of, it’s addicting!”⁶⁶

97. In a “TikTok Strategy” presentation, Defendants celebrated the fact that users spend inordinate amounts of time on the platform. “**TikTok is in most people’s lives like this,**” Defendants explained, referring to online posts that read, “go on tiktok for 5 mins and 3 hours have passed” and “my night routine: watch 3 hours of tiktok videos, try to follow the dance steps, realise u suck at dancing n cry about it, continue watching tiktok videos, sleep.”⁶⁷

98. Defendants know that “compulsive usage” on TikTok is causing harm to users, especially minors. As CEO Chew has admitted, Defendants have “invested a significant amount in understanding the issues that could arise from . . . teenage use” of the platform.⁶⁸

99. As one internal report noted, after surveying academic literature on the effects of social media on adolescents, “TikTok is particularly popular with younger users, who are seen as more

⁶⁶ TT-MS-AG-000200080, at –88, –99-102.

⁶⁷ TT-MS-AG-000138368, at –81-82.

⁶⁸ *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube, <https://www.youtube.com/watch?v=EE5Pcz99JFI&t=861s> (at 14:21) (accessed May 16, 2024).

vulnerable to online harms and the negative impacts of compulsive use.”⁶⁹

100. Defendants look to academic literature on social media platforms generally because Defendants understand the relevance of those findings to TikTok’s own features and impact.

101. According to another internal report, “compulsive usage interferes with essential personal responsibilities like sufficient sleep, work/school responsibilities, and connecting with loved ones” and also “correlates with a slew of negative mental health effects” for minor users, including “loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety.”⁷⁰

102. Another internal report based on in-depth interviews with TikTok users found that overuse of TikTok caused “negative emotions,” “interfered with [users’] obligations and productivity,” and led to “negative impacts . . . on their lives,” including “lost sleep, missed deadlines, poor school performance, running late, etc.” It reported that “many participants described their use of TikTok disturbing their sleep, which limited their productivity and performance the following day,” and that “[e]very participant indicated that **time management on TikTok was especially difficult compared to other social media platforms.**”⁷¹

103. Defendants also know that TikTok interferes with sleep because their data shows exactly when users are active. For example, in October 2022, TikTok data showed ██████████ users under 18 with active sessions during the 1:00 AM hour. Two hours later, the number was ██████████. These numbers include ██████████ Nebraska youth,

⁶⁹ TT-MS-AG-000199596, at –607.

⁷⁰ TT-MS-AG-000200080, at –88.

⁷¹ TT-MS-AG-000204555, at –57, –63.

who spent an average of ██████████ on TikTok between 3 and 4:00 AM—one of the highest averages in the nation.⁷²

104. Again, Defendants’ data dramatically undercounts the true number of minor users because it shows only the small fraction of young users who accurately report their age.

105. Beyond being aware that TikTok use regularly interferes with sleep—including and especially for TikTok’s minor users—Defendants also know that “[s]leep [is] unanimously linked to health outcomes” and “[b]ad sleep is a source of mental health issues.”⁷³

106. Defendants are also on notice that their platform is harmful in other ways that make it unsuitable for children and teenagers. Defendants know this because users, parents, educators, investigative journalists, academics, and outside consultants have all repeatedly told them so.

107. U.S. journalists in particular have documented and alerted Defendants to the dangers of TikTok for young users. In 2021, *The Wall Street Journal* (“*The Journal*”) reported that “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.” This type of content harms teens by preying upon insecurities and exacerbating body image issues, disordered eating, and self-harm.⁷⁴

108. A year later, *The New York Times* reported that TikTok still “starts recommending content tied to eating disorders and self-

⁷² TT-MS-AG-002148926.

⁷³ TT-MS-AG-000200103, at –24; TT-MS-AG-000226709, at –14.

⁷⁴ Tawnell D. Hobbs et al., *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-Disorder Videos*, WALL ST. J. (December 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848> (accessed May 16, 2024).

harm to 13-year-olds within 30 minutes of their joining the platform, and sometimes in as little as three minutes.”⁷⁵

109. TikTok also features appearance-changing “filters,” which use AI to digitally alter a user’s appearance—such as giving him or her smoother or lighter skin, bigger eyes or lips, or a thinner face. These filters can be used whether the user shares any content or not. Research shows that these filters create impossible beauty standards and fuel body image issues.⁷⁶ One example is the “Bold Glamour” Filter, demonstrated in the video screenshots below.⁷⁷

⁷⁵ Sapna Maheshwari, *Young TikTok Users Quickly Encounter Problematic Posts, Researchers Say*, N.Y. TIMES (December 14, 2022), <https://www.nytimes.com/2022/12/14/business/tiktok-safety-teens-eating-disorders-self-harm.html> (accessed May 16, 2024).

⁷⁶ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves*, FORBES (April 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/> (accessed May 16, 2024).

⁷⁷ <https://www.tiktok.com/@kellystrackofficial/video/7204177583708065067> (accessed May 16, 2024). A true and correct copy of this and all other TikTok videos referenced in this Complaint have been submitted on a USB drive. See **Appendix A, File 01**.



With the Filter



Without the Filter

110. In 2021, *The Journal* released findings from a carefully designed experiment in which it browsed the TikTok platform using more than 30 automated accounts registered as teens between 13 and 15. *The Journal* programmed the teen accounts to show interest in certain types of mature and adult content to see what the TikTok algorithm would do.⁷⁸

111. *The Journal* found that, while TikTok’s “For You” page would often start by showing new accounts popular (and more vetted) content, it quickly picked up on the automated users’ interests and began aggressively showing young teen accounts a disturbing variety of videos promoting sex, drugs, alcohol, violence, and other

⁷⁸ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, WALL ST. J. (September 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944> (accessed May 16, 2024).

inappropriate content. Over time, videos became “less mainstream, less vetted by moderators and sometimes more disturbing.”⁷⁹

112. For example, TikTok showed young teen accounts “more than 100 videos from accounts recommending paid pornography sites and sex shops,” literally thousands of videos “from creators who labeled their content as for adults only,” and—disturbingly—over a dozen sexual role-playing videos portraying adults pretending to be little children.⁸⁰

113. Likewise, *The Journal* reported, “TikTok served one account registered as a 13-year-old at least 569 videos about drug use, references to cocaine and meth addiction, and promotional videos for online sales of drug products and paraphernalia.” According to *The Journal*, “[h]undreds of similar videos appeared in the feeds of the Journal’s other minor accounts.” Other videos shown to the teen accounts “encouraged eating disorders and glorified alcohol, including depictions of drinking and driving and of drinking games.”⁸¹

114. When *The Journal* shared “a sample of 974 videos about drugs, pornography, and other adult content that were served to minor accounts,” a spokesperson for Defendants stated that “the majority didn’t violate guidelines”—though several hundred were subsequently removed—and that “the [TikTok] app doesn’t differentiate between videos it serves to adults and minors.”⁸²

⁷⁹ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, WALL ST. J. (July 21, 2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477> (accessed May 16, 2024).

⁸⁰ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, WALL ST. J. (September 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944> (accessed May 16, 2024).

⁸¹ *Id.*

⁸² *Id.*

115. Defendants have publicly maintained that *The Journal's* experiment, in which “[s]ome of the accounts ended up lost in rabbit holes of similar content,” was simply not “representative of real user behavior.”⁸³ But internally, Defendants admit the truth, that real users report “feeling like they are trapped in a rabbit hole of what our algorithm thinks they like.”⁸⁴

116. In addition to directly exposing minor users to inappropriate content, *The Journal's* investigation identified ways in which TikTok is a well-known gateway to even more explicit sexual content on other websites, with adult content creators using TikTok to rapidly gain a following before directing viewers to their adult-oriented accounts on other platforms, like OnlyFans, where users can subscribe to get access to hardcore sexual videos and images. Many OnlyFans content creators provide both paid and free subscriptions.⁸⁵

117. In prior versions of the app, TikTok even included a built-in web browser, enabling young users to click on links or access search engines without leaving the app—and thus bypassing ordinary device-level controls instituted by the child’s parents.

118. On information and belief, Defendants are fully aware of this widespread phenomenon. While Defendants no longer allow users to link directly to OnlyFans, dozens of online articles tout TikTok as the ideal platform for adult performers seeking a bigger audience, describing it as “a subscribers **gold mine** for your Onlyfans account” and providing tips on how to easily evade moderation through non-

⁸³ *Inside TikTok's Algorithm: A WSJ Video Investigation*, WALL ST. J. (July 21, 2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477> (accessed May 16, 2024).

⁸⁴ TT-MS-AG-000200080, at –93.

⁸⁵ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, WALL ST. J. (September 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944> (accessed May 16, 2024).

explicit but flirtatious content, like videos dancing to popular songs, doing yoga, telling dirty jokes, modeling, or even cooking.⁸⁶

119. Creators of adult content on websites like OnlyFans openly discuss how they use TikTok and its “For You” algorithm to go “viral” and recruit viewers for their sexually graphic content elsewhere. One article summarizes the strategy: Porn stars are advised to “create engaging videos that tease your content and provide sneak peeks” and then “share your Instagram link in your bio and from there to your Onlyfans account.” The “ultimate goal” is to “funnel TikTok viewers to OnlyFans, using platforms like Instagram as intermediaries.” With this strategy, they can “gain a significant following and drive traffic to [their] OnlyFans.”⁸⁷

120. This is exactly how TikTok is used in practice. As one adult performer explained in response to another performer’s question of whether promoting OnlyFans on TikTok was worth it: “Yesssss!!! Omg yes!! Whenever I have one [TikTok video] hit 10s of thousands of views my OF [OnlyFans] has sign ups like crazy I love it!!”⁸⁸

121. This type of content is readily served up on even the youngest users’ “For You” feeds, with pornographic content featuring the same popular TikTok creators just clicks away.

⁸⁶ See, e.g., *How to Promote OnlyFans on Tiktok*, Supercreator (April 24, 2023), <https://supercreator.app/academy/onlyfans-promotions/tiktok/> (accessed May 16, 2024); Nhari Djan, *How OnlyFans creators use Tiktok to attract new subscribers, from doing viral dance trends to making sport and cooking content*, BUS. INSIDER (June 8, 2023), <https://www.businessinsider.com/how-onlyfans-creators-use-tiktok-to-promote-strategies-examples-2023-6> (accessed May 16, 2024).

⁸⁷ *How to Promote OnlyFans on Tiktok*, Supercreator (April 24, 2023), <https://supercreator.app/academy/onlyfans-promotions/tiktok/> (accessed May 16, 2024).

⁸⁸ *Is promoting my onlyfans on Tiktok worth it?*, Reddit (2023), <https://www.reddit.com/r/onlyfansadvice/comments/15vmjkw/comment/jwwcqx/> (accessed May 16, 2024).

E. Nebraska’s investigation confirms TikTok’s danger to Nebraska youth

122. The experiences described above are disturbingly commonplace. TikTok frequently serves highly mature, inappropriate, and harmful content to minors in Nebraska.

123. As part of its investigation, the State created TikTok accounts for Nebraska minor users registered as 13, 15, and 17 years old, using fictitious names and birthdates.

i. Mature and Inappropriate Content

124. Within minutes of scrolling through TikTok’s “For You” feed—before the accounts had searched for any videos or “followed” any users—TikTok’s algorithm repeatedly exposed each Nebraska teen account to overtly mature and otherwise inappropriate content.

125. To give a few representative examples, TikTok’s “For You” algorithm presented the following videos to an account registered as a 13-year-old Nebraska girl:

- a. A young woman sitting with her boyfriend with the text “me when i threw up on it”—referring to gagging while performing oral sex—and the caption “no pushing my head !” The video has over 4.6 million views and 757.6k likes.⁸⁹
- b. A young man joking that “I give blind kids a gun and tell him it’s a blow dryer.” The video has over 2.1 million views and 225.3k likes.⁹⁰

⁸⁹ <https://www.tiktok.com/@ilikeburntbacon/video/7323779718019337477> (accessed May 16, 2024), also available in **Appendix A, File 02**.

⁹⁰ <https://www.tiktok.com/@ivanpaniagua52/video/7322283722202451231> (accessed May 16, 2024), also available in **Appendix A, File 03**.

- c. A visibly pregnant 17-year-old girl and her 15-year-old boyfriend, dancing, kissing, and caressing to the lyrics “head so good, she honor roll, she’ll ride a d*ck like a carnival.” The video has over 3.4 million views and 260.5k likes.⁹¹
- d. A woman in a revealing top suggestively massaging a hot dog before inserting it into a large pickle. The video has over 2.3 million views and 47.2k likes.⁹²

126. Another video shown to a 13-year-old Nebraska account was a movie clip from the account “littlegirlmovies,” which has over 1.4 million followers. The movie clip depicted a high school girl talking about and then smoking marijuana with other teenagers at a party. The video is now listed as “currently unavailable,” but at the time of the State’s investigation had been up for more than 40 days and had been viewed and liked hundreds of thousands of times.

127. Similarly, a video in the “For You” feed of a 17-year-old Nebraska account shows a young woman flipping through a large stack of cash to the lyrics, “I can show you how to make a meal off pills, I’ll tell you for free. First you wanna get a real bag of Percocets, swirl ‘em on the table, spread it out, see what you’re working with.” The video has over 7.5 million views and 1.4 million likes.⁹³

ii. Eating Disorders

128. In addition to TikTok’s beauty filters and ubiquitous videos of models, fitness influencers, and diet “experts” promoting

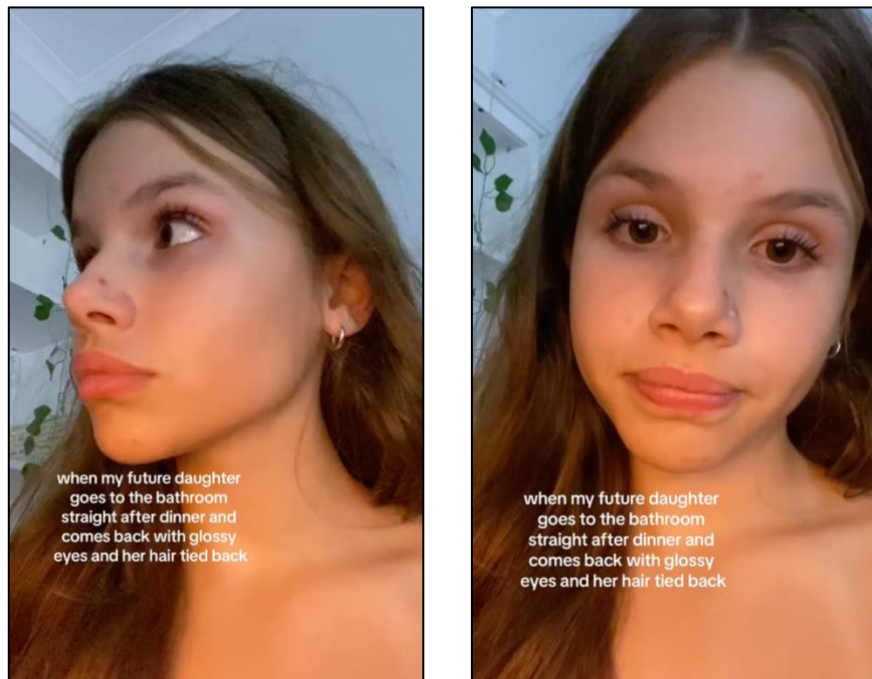
⁹¹ <https://www.tiktok.com/@miss.savastruu/video/7347552131726970158> (accessed May 16, 2024), also available in **Appendix A, File 04**.

⁹² <https://www.tiktok.com/@taylormakesvideos/video/7344855484752579883> (accessed May 16, 2024), also available in **Appendix A, File 05**.

⁹³ <https://www.tiktok.com/@th3yluvnez/video/7337094801193487662> (accessed May 16, 2024), also available in **Appendix A, File 06**.

unrealistic beauty and fitness standards, the State’s investigation uncovered damaging content promoting disordered eating.

129. For example, a video included in the “For You” feed of a 13-year-old Nebraska teen account shows a girl looking at the camera with the text “when my future daughter goes to the bathroom straight after dinner and comes back with glossy eyes and her hair tied back”—referring to forced vomiting—and the lyrics, “I understand I’m not the only one.” The video has over 3.2 million views and 566.8k likes.⁹⁴



130. Popular hashtags like #ed—a TikTok abbreviation for “eating disorder”—provide easy access to content promoting disordered eating. Other popular hashtags that feature unhealthy messages for minor users—especially teen girls—include #skinny (398.4k posts), #thin (135.9k posts), and #skinnygirl (21.2k posts).

⁹⁴ <https://www.tiktok.com/@user0282747191/video/7361382213792943368> (accessed May 16, 2024), also available in **Appendix A, File 07**.

131. A video featured by TikTok as a “Top” video under the #thin hashtag shows a journal open on a bed. Both pages are filled from top to bottom with words scrawled in cursive. One page simply reads “Starve”—over 100 times. The other reads “Dont eat.”⁹⁵



132. Another video available on the #ed and #skinny hashtags shows a shocking series of photos of a bathroom scale and young woman’s stocking feet. The text and audio says, “You can always be thinner, look better.” The first photo in the series shows a weight of 136.2 lbs. The second shows a weight of 77.8 lbs. The video has been viewed over 5.3 million times and has 702.5k likes.⁹⁶

⁹⁵ <https://www.tiktok.com/@thinnest4/video/7365506319198981409> (accessed May 16, 2024), also available in **Appendix A, File 08**.

⁹⁶ <https://www.tiktok.com/@baciogelato/photo/7264069754783157546> (accessed May 16, 2024), also available in **Appendix A, File 09**.

iii. Sadness and Suicide

133. TikTok repeatedly fed multiple Nebraska teen account videos with themes of sadness, depression, self-harm, and suicide.

134. One of the first videos featured a young man alone in a dark room, staring sadly at the camera, with the text “maybe in another universe i don’t lose my teen years to my mental health.” The video has over 3.5 million views and 801.7k likes. The comment from other users, many of whom appear to be minors, say things like, “maybe in another universe i am pretty like my friends,” “maybe in another universe I am worth something,” and “maybe in another universe I successfully erased myself from the timeline.”⁹⁷

135. Dozens of similar videos quickly appeared in the “For You” feeds of the Nebraska teen accounts. For one account registered as a 15-year-old Nebraska female, TikTok showed almost non-stop videos on sadness and depression. Examples include:

- a. A tearful young woman lying in bed, with the text “bed rotting bc the world did in fact end when i thought things were getting better but it never does.” The video has over 5.5 million views and 1.2 million likes.⁹⁸
- b. A young woman sobbing to audio that says, “because this is the moment that you realize that something inside you is broken and it can **never** be fixed.” The video has over 3.1 million views and 1 million likes.⁹⁹

⁹⁷ <https://www.tiktok.com/@confracted/video/7333079594414738730> (accessed May 16, 2024), also available in **Appendix A, File 10**.

⁹⁸ <https://www.tiktok.com/@missbalding/video/7341694007455649067> (accessed May 16, 2024), also available in **Appendix A, File 11**.

⁹⁹ <https://www.tiktok.com/@misomiaoo/video/7358680165083401514> (accessed May 16, 2024), also available in **Appendix A, File 12**.

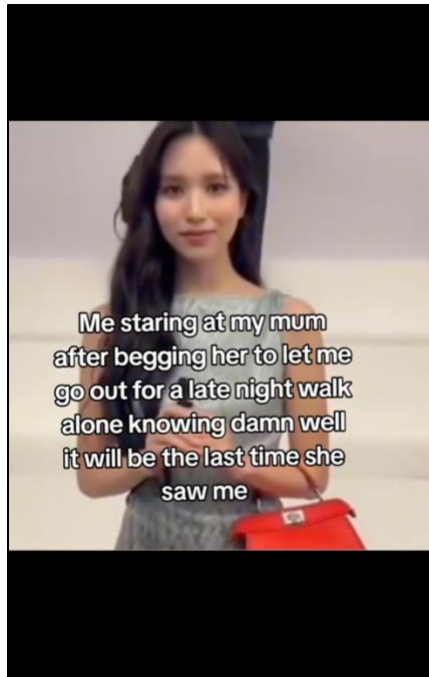
- c. A young man staring at the camera with the text “words cant describe how much i hate myself and how much disgust i feel towards myself” and audio that says, “[H]e never hangs out with anyone. What a loser, a total freak. Why even bother living?” The video has over 548.8k views and 159.1k likes.¹⁰⁰

136. Most alarmingly, after less than 30 minutes of browsing the “For You” feed, TikTok began showing multiple Nebraska teen accounts darker and more disturbing content, including numerous videos specifically referring to suicide or a desire to commit suicide.

137. One video shows a woman smiling at the camera, with the text “[m]e staring at my mum after begging her to let me go out for a late night walk alone knowing d*mn well it will be the last time she saw me.” The video has over 794k views and 191.3k likes.¹⁰¹

¹⁰⁰ <https://www.tiktok.com/@lanitamamita/video/7343030583985016107> (accessed May 16, 2024), also available in **Appendix A, File 13**.

¹⁰¹ <https://www.tiktok.com/@regenaluvsvrei/video/7335857421048433953> (accessed May 16, 2024), also available in **Appendix A, File 14**.



138. A similar video showed a smiling young man, with the text “[h]ow I feel knowing one day I am going to go for a walk without my phone, money or keys and end up on the news” and “I can’t wait for the day I do it.” The video is now listed as “currently unavailable,” but at the time of the State’s investigation had been up for more than a week and already had over 204k views and 50.4k likes.¹⁰²

¹⁰² Video available in **Appendix A, File 15**.



139. Another video shows a tearful young woman with the text “Hannah was way to [sic] real in this scene.” The audio is taken from a TV show on Netflix called *13 Reasons Why*, about a high school girl named Hannah Baker who committed suicide. The audio says, “What if the only way not to feel bad is to stop feeling anything at all forever?” The video has over 1 million views and 264.3k likes.¹⁰³

140. Several of the videos the TikTok algorithm promoted to Nebraska teen accounts refer to “star shopping” or “becoming stars”—a popular TikTok euphemism for suicide—with text like, “How I look at the stars knowing that soon i’ll be one of them.” These videos include music with the lyrics, “soon, soon . . . the stars, the stars . . .”¹⁰⁴

¹⁰³ <https://www.tiktok.com/@we.can.get.through.this1/video/7332797244082621697> (accessed May 16, 2024), also available in **Appendix A, File 16**.

¹⁰⁴ See, e.g., <https://www.tiktok.com/@winglesangel/video/7355550252100799776> (accessed May 16, 2024), also available in **Appendix A, File 17**; <https://www.tiktok.com/@sadfacemf/video/7331167333693574446> (accessed May 16, 2024), also available in **Appendix A, File 18**.

141. If there was any ambiguity about the meaning of these videos, the replies from other TikTok users remove any doubt. Each video has hundreds of comments like, “I hate to put my mamaw through it but I can’t take it no more,” “I hope my spirit stays and comforts those who struggle like me after i take mine,” and “I started writing the letters”—referring to suicide notes. Other young users left comments sharing their plans to commit suicide “rn [right now],” “tonight,” “tomorrow,” “soon,” “when I reach 16,” “on my next birthday,” or “before school starts again.”¹⁰⁵

iv. Pornography

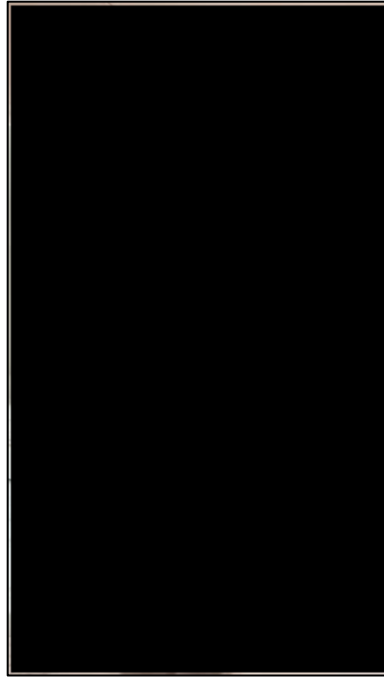
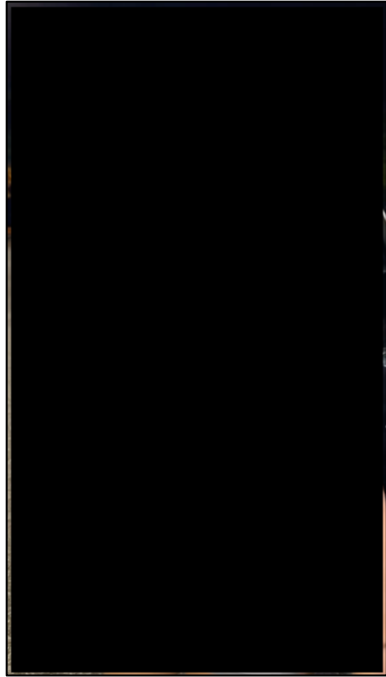
142. The State’s investigation also confirmed the way the TikTok platform is used as a gateway for pornography and other sexually explicit material by adult performers.

143. For example, multiple 13-year-old Nebraska accounts were shown popular videos of attractive women dancing in revealing or tight-fitting clothes or pajamas. One video featured a young woman dancing suggestively to the lyrics, “throw it back, make it clap, arch it back,” referring to a girl shaking her buttocks.¹⁰⁶ Another video featured a young woman dancing and shaking her breasts and buttocks, dressed in a thin white top without a bra.¹⁰⁷

¹⁰⁵ *Id.*

¹⁰⁶ <https://www.tiktok.com/@sophieraiin/video/7348529763482422570> (accessed May 16, 2024), also available in **Appendix A, File 19**.

¹⁰⁷ <https://www.tiktok.com/@mightbepink/video/7324095447671524654> (accessed May 16, 2024), also available in **Appendix A, File 20**.

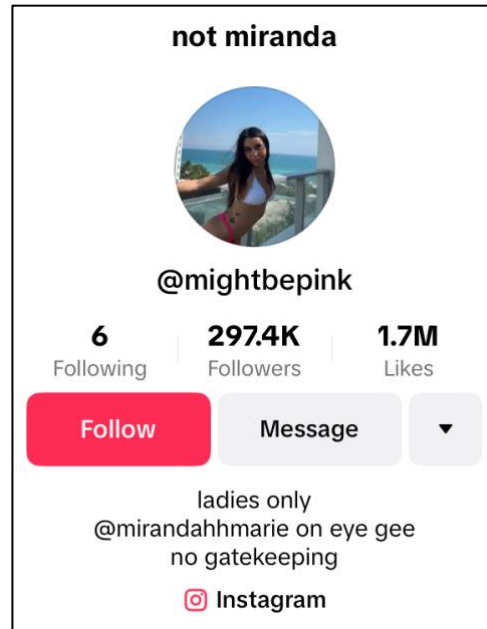
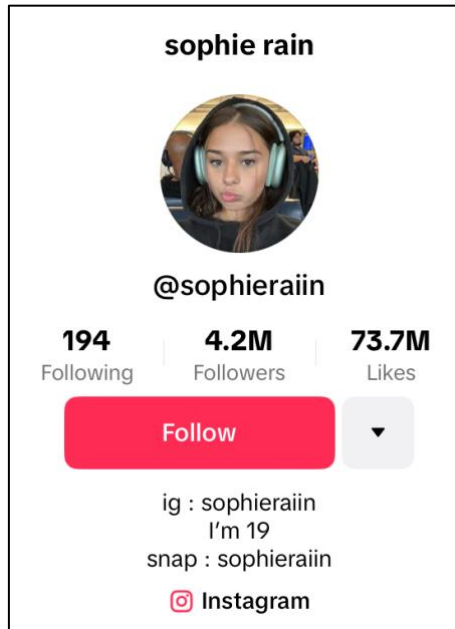


144. Both of these TikTok creators are adult performers using TikTok to funnel users to their sexually explicit content on OnlyFans, with Instagram (usually abbreviated as “IG”) as an intermediary.

145. The first woman’s TikTok bio begins, “ig : sophieraiin I’m 19.”¹⁰⁸ The second woman promotes her Instagram account in every video with the hashtag #igmirandahhmarie, and her bio includes the text, “@mirandahhmarie on eye gee [IG].” Each profile also includes a clickable link to the adult performer’s Instagram page.¹⁰⁹

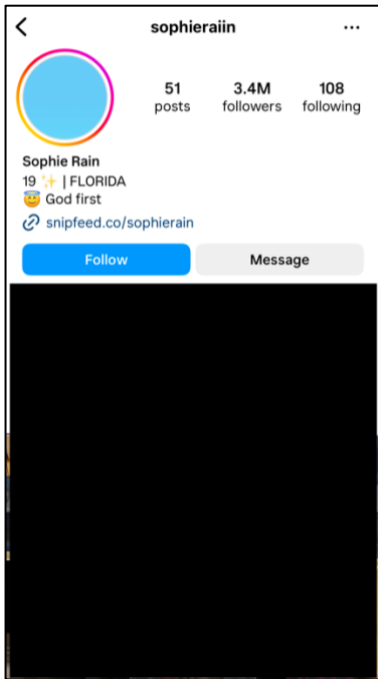
¹⁰⁸ <https://www.tiktok.com/@sophieraiin> (accessed May 16, 2024).

¹⁰⁹ <https://www.tiktok.com/@mightbepink> (accessed May 16, 2024).

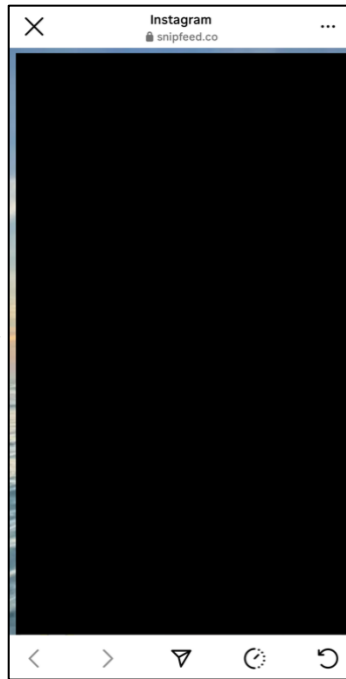


146. As shown in the screenshots below, on Instagram both women display sexually suggestive photos and videos with links to webpages where users can directly access their OnlyFans accounts—on which they advertise nudity and explicit content, using language like “everything you want is here,” “where you see my NAUGHTY SIDE,” and “FULLY NUDE CONTENT AVAILABLE!!!”¹¹⁰

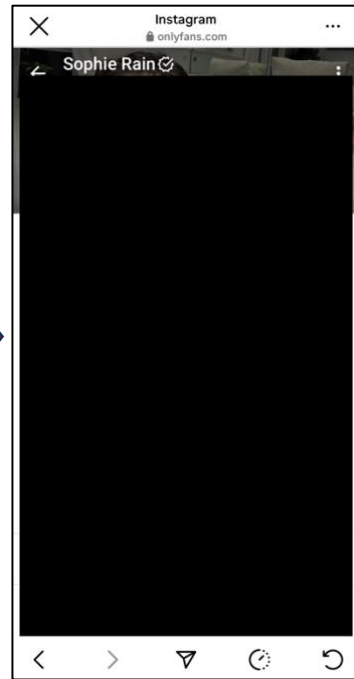
¹¹⁰ <https://www.instagram.com/sophieraiin/>; <https://snipfeed.co/sophierain/>; <https://onlyfans.com/sophieraiin/>; <https://www.instagram.com/mirandahhmarie/>; <https://hoo.be/mirandahhmarie/>; <https://onlyfans.com/mirandahmarievip> (all links accessed May 16, 2024).



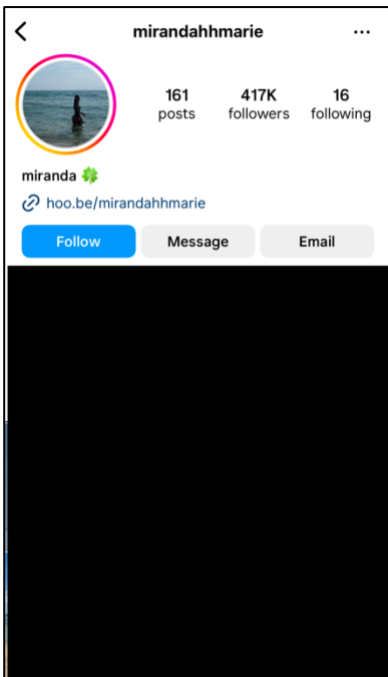
Instagram Profile



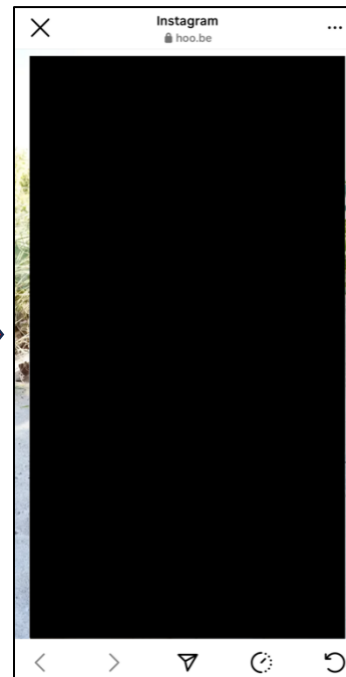
Link Page



OnlyFans



Instagram Profile

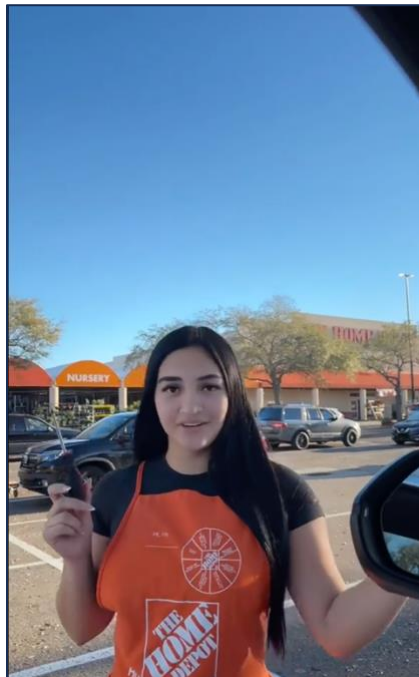


Link Page



OnlyFans

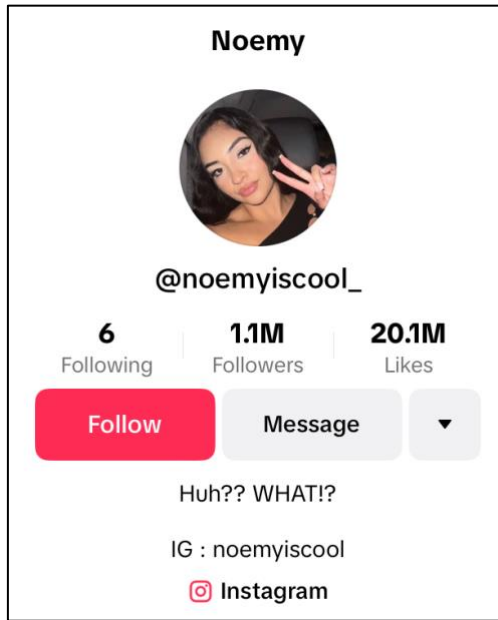
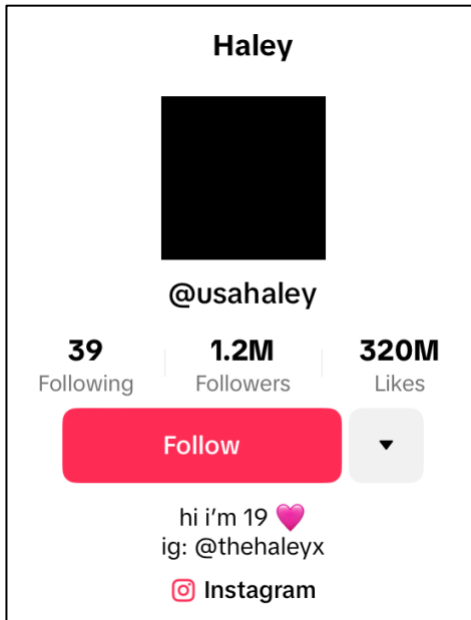
147. Multiple 13-year-old Nebraska accounts were also shown videos featuring young women dressed as employees of popular chains approaching a car with an “order,” then making sexually suggestive comments. In one, a young woman delivers food from Arby’s before asking to see the male customer’s “meat.”¹¹¹ In another, a young woman delivers a screwdriver from Home Depot before telling the male customer, “I got something you can screw.”¹¹²



148. Both of these women are adult performers as well, funneling their millions of TikTok followers and viewers—including young Nebraska teens—through Instagram to OnlyFans.

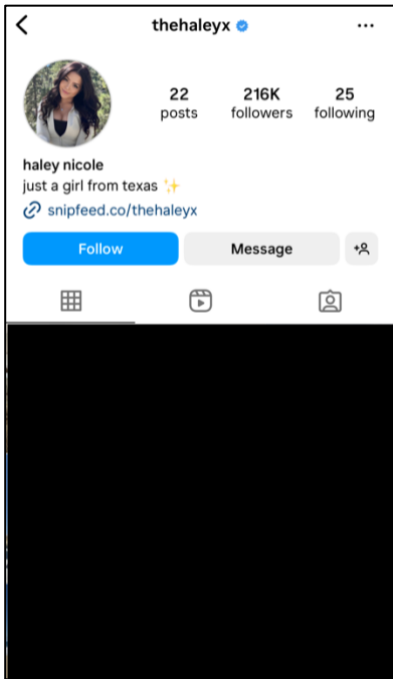
¹¹¹ <https://www.tiktok.com/@usahaley/video/7342605015372123435> (accessed May 16, 2024), also available in **Appendix A, File 21**.

¹¹² <https://www.tiktok.com/@noemyiscool/video/7342944384104647979> (accessed May 16, 2024), also available in **Appendix A, File 22**.

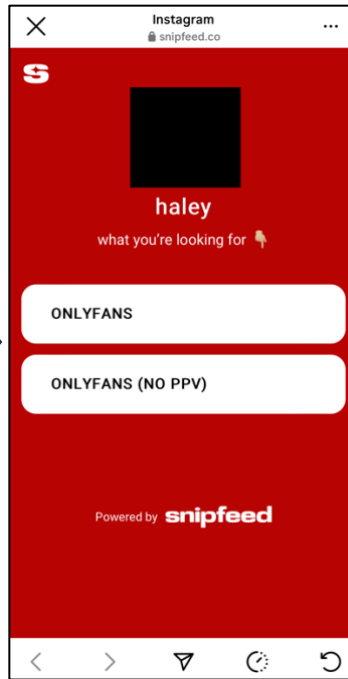


149. As shown below, each of these adult performers use the same TikTok playbook, inviting users to come and find “what you’re looking for,” which is hardcore nudity and pornography.¹¹³

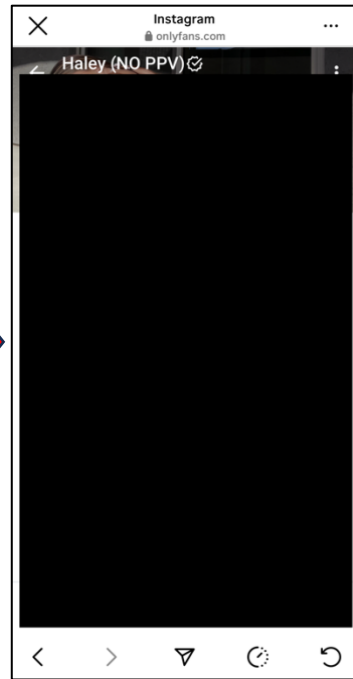
¹¹³ <https://www.instagram.com/thehaleyx/>; <https://snipfeed.co/thehaleyx/>; <https://onlyfans.com/haleynoppy/>; <https://www.instagram.com/noemyiscool/>; <https://linktr.ee/Urlocalmodel/>; <https://onlyfans.com/urlocalmodel> (all links accessed May 16, 2024).



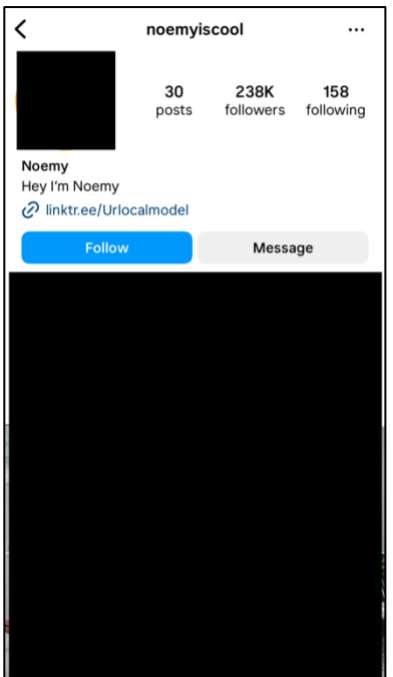
Instagram Profile



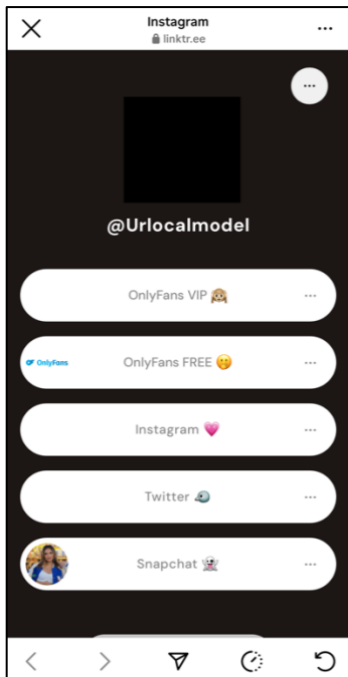
Link Page



OnlyFans



Instagram Profile



Link Page



OnlyFans

150. Notably, all of the content described above was accessible to the Nebraska teen accounts even in “Restricted Mode”—a safety feature Defendants tell parents will prevent their teens from seeing various categories of mature and inappropriate content.

151. The videos described above are just some of the overtly mature, inappropriate, and harmful content identified on the TikTok platform during the State’s investigation. The State did not go looking for this content. Instead, the TikTok algorithm affirmatively promoted it to accounts registered as Nebraska teens, including teens as young as 13 years old, often within just minutes of browsing.

v. TikTok-Suggested Search Terms

152. The “For You” feed was not the only way the TikTok app affirmatively suggested mature, inappropriate, and harmful content to the State’s Nebraska teen accounts.

153. For example, after viewing a clip of an interview between a popular OnlyFans model and her teen brother—which appeared on the “For You” feed of an account registered as a 13-year-old Nebraska boy less than 5 minutes after the account was created—TikTok suggested a search for related videos. Based on that single suggested search, TikTok suggested more searches for “best pics” and “body pics” of the OnlyFans model, as well as searches for “pink pics women” and “pink pics real women”—popular TikTok slang for vaginas. After clicking on TikTok’s suggested “best pics” search, TikTok suggested even more searches, including “girls free content,” “liked videos for boys,” “sucky sucky girl” (referring to oral sex), “of content pics” (referring to OnlyFans), and “14 year olds nike pics” (referring to teen girls wearing Nike gym shorts). Many of these searches led directly to mature content from adult performers on OnlyFans.

154. None of these searches were created or typed by the teen account. Instead, they were created and suggested by the TikTok app,

quickly and progressively directing the user to more and more inappropriate material, on the TikTok platform and beyond.

155. To be clear, the State does not seek to hold Defendants liable for hosting, publishing, or otherwise making available the content described in this Complaint. The State seeks only to hold Defendants responsible for their repeated misrepresentations about the TikTok platform’s safety and suitability for minors.

III. Despite Knowing TikTok Harms Children and Teens, Defendants Misrepresent TikTok as Safe for Them

156. Despite knowing that TikTok is harmful to and inappropriate for young users, Defendants have repeatedly told potential users, parents, teachers, policymakers, and others that the platform is safe and appropriate for children and teenagers, that TikTok is all about joy, fun, and discovery, and that TikTok promotes teen well-being using sophisticated tools and technology.

A. Defendants consistently misrepresent the TikTok platform

157. To maintain and grow TikTok’s social media dominance, Defendants have consistently misrepresented the suitability of TikTok for vulnerable minors, seeking to mislead—and misleading—consumers about the nature of TikTok and its content.

i. Advertising

158. Defendants have spent millions of dollars on national ad campaigns that present TikTok as “Family Friendly,” where teens can “safely explore and create.”¹¹⁴ According to Defendants’ ubiquitous

¹¹⁴ *TikTok TV Spot, ‘Family Pairing’*, iSpot.tv (November 17, 2022), <https://www.ispot.tv/ad/2lN2/tiktok-family-pairing> (accessed May 16, 2024); *see also* *TikTok TV Spot, ‘Family Pairing’*, iSpot.tv (November 15, 2022), <https://www.ispot.tv/ad/2yj8/tiktok-family-pairing> (accessed May 16, 2024).

ads—which include not only TV but also online, radio, social media, and print ads—its platform is for “family,” “family bonding,” and “family and fun.”¹¹⁵ Ads portray people with family and friends of all ages, with messages like “TikTok Sparks Good.”¹¹⁶

159. Many of the same (or similar) ads were aired by Defendants in Nebraska and targeted to Nebraska consumers. Between August 2020 and October 2023 alone, Defendants spent over ██████████ to advertise the TikTok platform in Nebraska.

160. Defendants’ advertising includes Google Ads targeted to Nebraska parents and other consumers concerned about the safety of the TikTok platform. Google searches in Nebraska for “is TikTok safe for kids” trigger a sponsored ad from Defendants titled “TikTok Parent Guide.” The ad invites consumers to “[l]earn about the many tools and controls we’ve built to keep our TikTok community safe,” directing them to the TikTok website and “Guardian’s Guide.”¹¹⁷

ii. Public Statements

161. In statements and other messages directed to the public, including Nebraska consumers, Defendants tout their efforts related to “safety” on TikTok, especially for young users.

¹¹⁵ *Family Impressions | Compilation | TikTok*, YouTube, <https://www.youtube.com/watch?v=6EYzm25gW-s> (accessed May 16, 2024); *TikTok Creators Share Their Thoughts About TikTok*, YouTube, <https://www.youtube.com/watch?v=KAveGBv7HVM> (accessed May 16, 2024).

¹¹⁶ Todd Spangler, *TikTok Launches Biggest-Ever Ad Campaign as Its Fate Remains Cloudy*, VARIETY (August 18, 2020), <https://variety.com/2020/digital/news/tiktok-advertising-brand-campaign-sale-bytedance-1234738607/> (accessed May 16, 2024).

¹¹⁷ *Guardian’s Guide*, TikTok, <https://www.tiktok.com/safety/en/guardians-guide/> (accessed May 16, 2024).

162. For example, speaking to Congress in March 2023, TikTok CEO Shou Chew vowed that TikTok “will keep safety—especially for teenagers—a top priority for us.”¹¹⁸

163. Defendants’ TikTok website similarly represents to consumers that, “[a]t TikTok, we work to support the well-being of everyone in our community,” that “[o]ffering a safe and supportive environment” is TikTok’s “top priority,” and that TikTok’s “most important commitment” is to “create a welcoming environment that keeps our community safe.”¹¹⁹

164. Defendants go further, representing in the TikTok “Community Guidelines” that:

Youth safety is our priority. **We do not allow content that may put young people at risk of . . . psychological, physical, or developmental harm.** This includes . . . **exposure to overtly mature themes**, and consumption of alcohol, tobacco, drugs, or regulated substances.¹²⁰

165. On April 17, 2024, Defendants announced that they would be updating TikTok’s Community Guidelines effective May 17, 2024. The updated Guidelines repeat that Defendants “do not allow content that may put young people at risk of psychological, physical, or

¹¹⁸ Testimony Before the U.S. House Committee on Energy and Commerce, Written Statement of Testimony of Shou Chew (March 23, 2023), https://d1dth6e84htgma.cloudfront.net/Written_Testimony_of_Shou_Chew_c07504eccf_084e8683f3.pdf (accessed May 16, 2024).

¹¹⁹ *Digital well-being*, TikTok, <https://www.tiktok.com/safety/en/well-being/>; *Guardian’s Guide*, TikTok, <https://www.tiktok.com/safety/en/guardians-guide/>; *Our Approach to Safety*, TikTok, <https://www.tiktok.com/safety/en/our-approach-to-safety/> (all links accessed May 16, 2024).

¹²⁰ *Youth Safety and Well-Being*, TikTok Community Guidelines (updated March 2023), <https://www.tiktok.com/community-guidelines/en/youth-safety/> (accessed May 16, 2024).

developmental harm,” and represent that TikTok “provide[s] young people with an experience that is **developmentally suitable** and a **safe space for self-exploration**.” This is true, Defendants say, because “[s]exually [s]uggestive [c]ontent,” content “[d]iscussing drugs or other regulated substances,” content related to “[d]isordered [e]ating” and “potentially harmful weight management behaviors,” and other mature content is “only made available to adults.”¹²¹

166. Defendants have repeatedly stated that they remove content that risks harm to minors, or otherwise violates the Community Guidelines. For example, in a November 2022 interview, CEO Chew explained that “[w]e . . . go through all the content and remove the violative content.”¹²² Or as Defendants state in a video on the TikTok website, “[w]e will remove any type of content, including video, audio, or text, that violates our Community Guidelines.”¹²³

167. Defendants leverage the reputation of their powerful technology in an attempt to allay concerns about TikTok. To enforce its Community Guidelines, Defendants claim to utilize “innovative technology and thousands of safety experts around the world.”¹²⁴

168. Defendants highlight “[a]nother part of our safety approach” as being “to develop new product features, like Family Pairing.” According to Defendants, these in-app safety features “allow[] parents and caregivers to . . . enable a variety of content and privacy

¹²¹ *Youth Safety and Well-Being*, TikTok Community Guidelines (released April 17, 2024, effective May 17, 2024), <https://www.tiktok.com/community-guidelines/en/youth-safety?cgversion=2024H1update> (accessed May 16, 2024).

¹²² *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube, <https://www.youtube.com/watch?v=EE5Pcz99JFI&t=578s> (at 9:38) (accessed May 16, 2024).

¹²³ *Our Approach to Safety*, TikTok, <https://www.tiktok.com/safety/en/our-approach-to-safety/> (second video at 0:24) (accessed May 16, 2024).

¹²⁴ *Id.* (first video at 0:27).

settings,” including time limits and “Restricted Mode.”¹²⁵

169. According to Defendants, with Restricted Mode on, users “shouldn’t see mature or complex themes,” like “[p]rofanity, [s]exually suggestive content, . . . [i]llegal or controlled substances/drugs, [or] [e]xplicit references to mature . . . themes.”¹²⁶

170. For users who access TikTok on a web or mobile browser, Defendants say that “Restricted Mode is on by default.”¹²⁷

171. Another feature Defendants have publicized widely is “Take a Break” videos, featuring popular creators encouraging users to spend some time “enjoy[ing] the world offline,” which Defendants claim will “help users manage their screen time” and “take control.”¹²⁸

iii. Parent-Teacher Associations

172. Defendants have made repeated representations about the safety and appropriateness of TikTok to and through parent-teacher groups like the National Parent Teacher Association (National PTA), as well as local PTA groups, including in Nebraska.

173. Defendants’ partnership with National PTA has been especially aggressive, with Defendants paying substantial sums of money to National PTA, including by sponsoring PTA conferences. In exchange, and despite disclaiming any “endorsement” of TikTok, National PTA has provided supportive statements featured on the

¹²⁵ *Id.* (first video at 0:35).

¹²⁶ *Restricted Mode*, TikTok, <https://support.tiktok.com/en/safety-hc/account-and-user-safety/restricted-mode> (accessed May 16, 2024).

¹²⁷ *Id.*

¹²⁸ Stephanie Hind, *Helping users manage their screen time*, TikTok (February 13, 2020), <https://newsroom.tiktok.com/en-us/helping-users-manage-their-screen-time> (accessed May 16, 2024); see also *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube, <https://www.youtube.com/watch?v=EE5Pcz99JFI&t=885s> (at 14:45) (accessed May 16, 2024).

TikTok website, collaborated on a “TikTok Guide for Parents,” included Defendants’ representatives at conferences, and reached out to Defendants for “talking points” in response to negative press.

174. According to an internal planning document for a National PTA conference in 2021, for which TikTok was a “Diamond sponsor,” Defendants’ employees represented to “PTA leaders in all 50 states” that Defendants can provide “**an age-appropriate TikTok experience** for their teens,” that “TikTok is invested in supporting teens, families, and educators across the country,” and that TikTok has “**many safeguards in place to protect teens.**”¹²⁹

175. These messages appear to have been effective, with attendees stating things like, “This has been very enlightening. It has increased my comfort level for my child engaging with the app.”¹³⁰

176. In addition to their national efforts, Defendants have sponsored a series of “PTA Connected Smart Talk Conversations” about “digital safety” at local PTAs, including in Nebraska, promoting itself as a leader in and advocate for youth safety online.¹³¹

iv. Age Ratings

177. One of the ways Defendants represent to consumers that the TikTok platform is safe and appropriate for minors is through “age ratings” on major app stores, including the Apple App Store, Google Play Store, and Microsoft Store, where the majority of TikTok users in Nebraska and elsewhere download the TikTok app to phones, tablets, or other mobile devices.

¹²⁹ TT-MS-AG-000010060, at –60-62.

¹³⁰ *Id.* at –65.

¹³¹ TT-NE-AG-000001394; TT-NE-AG-000001393. Documents identified as TT-NE-AG were produced by TikTok to the State.

178. For example, on the App Store, TikTok is rated “12+,” meaning the app is generally suitable for users ages 12 and up. On Google Play and the Microsoft Store, TikTok is rated “T” for Teen, meaning the app is generally suitable for users ages 13 and up.

179. Age ratings are prominently displayed on the product page for an app, and are relied on by users, as well as parents, teachers, and other caregivers, to determine whether an app is appropriate. As Apple explains, “[e]very app has an assigned age rating, **so parents can determine what is appropriate for their children.**”¹³² Or as Google puts it, “[w]e use content ratings to . . . [i]nform you of potentially objectionable content within an app.”¹³³

180. Defendants have publicly touted the age rating they have assigned to the TikTok app on their website and in the “TikTok Guide for Parents,” a collaboration between Defendants and National PTA. As Defendants have stated in those documents, “[w]e’ve given the **app a 12+ rating** specifically so caregivers can access the device-level Apple and Android controls built into your family’s devices.”¹³⁴

181. The App Store, Google Play, and Microsoft Store assign age ratings based directly on answers given by the app developers—here, Defendants—to questions about the frequency and severity of certain types of content in the app, including sexual content, alcohol, tobacco, or drug-related content, violence, profanity or crude humor, and other mature themes. To receive a 12+ or Teen rating, Defendants claim that such content is infrequent and mild.

182. If developers like Defendants know the age rating assigned does not accurately reflect the app’s content, the developers

¹³² *App Store - Apple*, Apple, <https://www.apple.com/app-store/> (accessed May 16, 2024).

¹³³ *Apps & Games content ratings on Google Play*, Google, <https://support.google.com/googleplay/answer/6209544> (accessed May 16, 2024).

¹³⁴ TT-MS-AG-000009512, at –13; TT-MS-AG-000009655, at –60.

can submit a revised questionnaire or manually increase the age rating to protect younger users. Defendants have chosen not to do so.

183. Defendants know and intend that parents, minors, and other consumers will rely on the age ratings Defendants have given the TikTok app. Those ratings communicate to consumers that the types of mature and inappropriate content identified above are infrequent, mild, or do not appear on TikTok, and communicate that TikTok is safe and appropriate for teen (and even pre-teen) users.

184. Defendants made the representations described above to counteract legitimate consumer concerns, knowing and intending that consumers would rely on the representations to register new TikTok accounts or to maintain or increase activity on existing accounts.

185. As the allegations laid out this Complaint make clear, all of Defendants' representations described above are false.

B. TikTok's "safety" features are intentionally ineffective

186. While Defendants regularly tell parents, guardians, teachers, policymakers, and others not to worry about minors being on TikTok because of the platform's "safety" features, the reality is that these "safety" features are ineffective—and intentionally so.

i. Age Verification

187. To start, TikTok has no real age verification system for users. Until 2019, Defendants did not even ask TikTok users for their age when they registered for accounts. When asked why they did not do so, despite the obvious fact that "a lot of the users, especially top

users, are under 13,” founder Zhu explained that, “those kids will anyway say they are over 13.”¹³⁵

188. Today, while TikTok asks users to provide their ages when registering, this is easily circumvented by lying or creating a new account. When a child or teen signs up for TikTok, there is no birthdate verification, no confirmation with parents or guardians, and no limit on deleting one account and/or starting a new one with a different (and older) age.

189. According to an internal TikTok report in 2020, ██████████ ██████████ of users 14 or under “report their age as 18+ when prompted to give their age” during sign up.¹³⁶

190. By 2020, Defendants had already known for years that their U.S. users—including users under 13, from whom Defendants were prohibited by federal law from collecting information without parental consent—included a disproportionate number of children.¹³⁷ Internally, **Defendants estimated that more than a third of TikTok’s daily users were 14 or under.**¹³⁸

¹³⁵ *From Brush to Canvas with Alex Zhu of Musical.ly*, YouTube, <https://www.youtube.com/watch?v=ey15v81pwII&t=533s> (at 8:53) (accessed May 16, 2024); see also Jon Russell, *Musical.ly defends its handling of young users, as it races past 40M MAUs*, TECHCRUNCH (December 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/> (accessed May 16, 2024).

¹³⁶ TT-MS-AG-000139373, at –79.

¹³⁷ See, e.g., Jon Russell, *Musical.ly defends its handling of young users, as it races past 40M MAUs*, TECHCRUNCH (December 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/> (accessed May 16, 2024); John Herrman, *Who’s Too Young for an App? Musical.ly Tests the Limits*, N.Y. TIMES (September 16, 2016), <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html> (accessed May 16, 2024).

¹³⁸ Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions*, N.Y. TIMES (August 14, 2020),

191. During sign up, Defendants even provide instructions on “[a]dding multiple [TikTok] accounts” and how to switch between them, noting that “[o]ne device can add up to 8 accounts.”

192. The ease (and frequency) at which users can and do register additional accounts is confirmed by Defendants’ own data. According to Defendants, [REDACTED]

193. In 2019, TikTok’s age-related problems led to a record-setting \$5.7 million settlement with the Federal Trade Commission (FTC) over child privacy law violations.¹³⁹

ii. Parental Controls

194. Following its record FTC penalty, Defendants created a collection of new parental safety tools for TikTok called “Family Pairing,” which allows parents to link their TikTok account to their teen’s account and enforce time limits and other controls. Family Pairing also allows parents to enable “Restricted Mode” to block “content that may not be appropriate for all audiences.”¹⁴⁰

<https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html> (accessed May 16, 2024).

¹³⁹ Cecilia Kang, *F.T.C. Hits Musical.ly With Record Fine for Child Privacy Violation*, N.Y. TIMES (February 27, 2019), <https://www.nytimes.com/2019/02/27/technology/ftc-tiktok-child-privacy-fine.html> (accessed May 16, 2024).

¹⁴⁰ Jeff Collins, *TikTok introduces Family Pairing*, TikTok (April 15, 2020), <https://newsroom.tiktok.com/en-us/tiktok-introduces-family-pairing> (accessed May 16, 2024).

195. Defendants have touted Family Pairing in national advertising campaigns—including in ads aired in Nebraska—as “Keeping TikTok Family Friendly.”¹⁴¹

196. The truth is that Family Pairing is grossly ineffective. Among other reasons, it is entirely optional and requires parents to both create their own TikTok account and know the name of their child’s account. Children who prefer not to have their TikTok usage limited can easily evade the restrictions by creating multiple accounts, or by deleting and reinstalling the app to start over. Until recently, all of the Family Pairing limits applied only to the app itself and could also be circumvented by using a web browser.

197. Defendants acknowledge internally that [REDACTED]

[REDACTED]

¹⁴²

198. In another internal document, TikTok admitted that “user research” shows that “[f]amilies do not use Family Pairing” and that “Family Pairing doesn’t address parents’ top concerns,” including “inappropriate content, offensive interactions, and lack of privacy.”¹⁴³

199. Even for children and teens who use just one account, accurately report their ages, and enable Family Pairing, TikTok’s

¹⁴¹ *TikTok TV Spot, ‘Family Pairing’*, iSpot.tv (November 17, 2022), <https://www.ispot.tv/ad/2lN2/tiktok-family-pairing> (accessed May 16, 2024); *TikTok TV Spot, ‘Family Pairing’*, iSpot.tv (November 15, 2022), <https://www.ispot.tv/ad/2vj8/tiktok-family-pairing> (accessed May 16, 2024); *see also* TT-NE-AG-000001352.

¹⁴² TT-MS-AG-000226709, at –09, –19.

¹⁴³ TT-MS-AG-000253212, at –23.

parental controls are woefully ineffective. For example, as the State’s investigation demonstrates, even in “Restricted Mode” the TikTok app regularly feeds (and otherwise makes available) highly inappropriate and harmful content to young Nebraska users.

200. Loophole-ridden parental controls are not the only way Defendants undermine parents seeking to keep their children safe online. Defendants also permit minor users to block their parent’s profile, post content for “Friends Only” so their parents are unable to view it, and post ephemeral content that disappears after 24 hours, evading detection unless parents are constantly monitoring.

201. TikTok’s fundamental design frustrates parents seeking to protect and empower their children to safely navigate the platform. For instance, because the TikTok experience and “For You” feed is so heavily personalized and driven by TikTok’s powerful AI algorithms, even if a parent has and actively uses a TikTok account, it will not reflect the same content TikTok is showing their child.

202. Defendants purport to empower parents to protect their children on TikTok and ensure kids see only appropriate content. Those assurances are entirely empty and misleading.

iii. Community Guidelines

203. As described above, Defendants claim that “[w]e do not allow content” that exposes minors to “overtly mature themes.”¹⁴⁴ They have stated repeatedly that they employ “innovative technology and thousands of safety experts” to “remove any type of content . . . that violates our Community Guidelines,” which purport to bar sexually explicit content, drug-related content, and other mature and harmful content—specifically including “showing, promoting, or sharing plans

¹⁴⁴ *Youth Safety and Well-Being*, TikTok Community Guidelines (updated March 2023), <https://www.tiktok.com/community-guidelines/en/youth-safety/> (accessed May 16, 2024).

for suicide or self-harm” or “showing or promoting disordered eating or any dangerous weight loss behaviors.”¹⁴⁵ In an interview, TikTok’s CEO insisted that “[w]e . . . go through all the content and remove the . . . content [that violates the Community Guidelines].”¹⁴⁶

204. The reality is that Defendants’ enforcement of the TikTok Community Guidelines is haphazard at best, and Defendants know it. As *The Journal’s* investigation reported, Defendants’ content moderation is almost non-existent for less popular videos with fewer than 10,000 views, which is one reason why users as young as 13 years old are regularly exposed to and can easily find adult content.¹⁴⁷ And as the State’s own investigation has documented, TikTok to this day consistently exposes its youngest and most vulnerable users to mature and harmful content that violates the Community Guidelines, including videos that have received millions of views.

iv. Other “Safety” Features

205. Other safety tools heralded by Defendants are similarly ineffective.

206. In 2022, Defendants introduced a feature that can insert videos into a TikTok user’s “For You” feed encouraging them to “Take a Break” after a certain amount of time on the app. The videos feature young influencers and celebrities users are likely to recognize. But not only is the “Take a Break” feature inactive by default, it is also easily

¹⁴⁵ *Our Approach to Safety*, TikTok, <https://www.tiktok.com/safety/en/our-approach-to-safety/> (second video at 0:24); *Mental and Behavioral Health*, TikTok Community Guidelines (updated March 2023), <https://www.tiktok.com/community-guidelines/en/mental-behavioral-health/> (accessed May 16, 2024).

¹⁴⁶ *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube, <https://www.youtube.com/watch?v=EE5Pcz99JFI&t=578s> (at 9:38) (accessed May 16, 2024).

¹⁴⁷ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, WALL ST. J. (September 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944> (accessed May 16, 2024).

turned off or ignored. While boosting the feature publicly, Defendants internally admit it’s “not altogether effective.”¹⁴⁸

207. Similarly, in 2023, Defendants introduced a 60-minute time limit for TikTok users under 18. Not only does this feature rely on users accurately reporting their ages—which the vast majority do not do—but the time limit itself is illusory. As Defendants admit, young users can simply “enter a passcode in order to continue watching” or “opt out” altogether.¹⁴⁹

208. The ineffectiveness of Defendants’ safety features for young users is underscored by comparing them to Douyin, the Chinese version of TikTok. According to reports, unlike TikTok, Douyin prohibits any users under the age of 13. Young teen users are limited to a restrictive “Youth Mode” with mandatory time limits and approved educational content.¹⁵⁰ Defendants have not adopted these same limits for the TikTok app outside of China.¹⁵¹

209. Internal documents and presentations reveal that this laundry list of shortcomings is no accident. Even when some employees raised concerns about the impact of the platform on users—and minor users in particular—Defendants were quick to block any changes that

¹⁴⁸ TT-MS-AG-000285687 (at 22:27).

¹⁴⁹ Cormac Keenan, *New features for teens and families on TikTok*, TikTok (March 1, 2023), <https://newsroom.tiktok.com/en-us/new-features-for-teens-and-families-on-tiktok-us> (accessed May 16, 2024).

¹⁵⁰ See, e.g., 抖音14岁以下实名用户已全部进入青少年模式 (“All real-name users of Douyin under the age of 14 have entered youth mode”), Weixin (September 17, 2021), <https://mp.weixin.qq.com/s/zp43DhzwanDApoPCIgCvJQ> (accessed May 16, 2024); Diksha Madhok, *The Chinese version of TikTok is limited kids to 40 minutes a day*, CNN (September 20, 2021), <https://www.cnn.com/2021/09/20/tech/china-tiktok-douyin-usage-limit-intl-hnk/index.html> (accessed May 16, 2024); *TikTok in China versus the United States | 60 Minutes*, YouTube, <https://www.youtube.com/watch?v=0j0xzuh-6rY> (accessed May 16, 2024).

¹⁵¹ TT-MS-AG-000028368, at –84-85

would affect TikTok’s “core metrics” or bottom line.

210. For example, when members of an internal “digital wellbeing” project proposed implementing a “Non-Personalized Feed,” Defendants blocked the idea because, if “we remove personalization for larger groups of people, **like minors** for example,” it would “have large negative business impact.” The proposal was rejected.¹⁵²

211. Over the years, other of Defendants’ employees have voiced their frustration that “we don’t want to [make changes] to the For You feed because it’s going to decrease engagement,” even if “it could actually help people with screen time management.”¹⁵³

212. Or as another employee put it, “[w]hen we make changes, we make sure core metrics aren’t affected.” This is because “[l]eaders don’t buy into problems” with unhealthy and compulsive usage, and work to address it is “not a priority for any other team.”¹⁵⁴

213. As TikTok’s ██████████ candidly admitted in 2021, some of TikTok’s so-called “safety” features are little more than “good talking point[s].” Describing the “Take a Break” videos Defendants have promoted, ██████████ explained that “[w]e found out through some research that they’re not altogether effective” but that “it’s good as a point to share with policymakers, ‘cause they’re kind of impressed that we’re spending time, money, and energy to get people off our platform, at least in theory.”¹⁵⁵

214. “Get[ting] people off our platform” is just a theory for Defendants, who admit internally that “screen time management”

¹⁵² TT-MS-AG-000028350, at –51-52.

¹⁵³ TT-MS-AG-000285711 (at 25:31).

¹⁵⁴ TT-MS-AG-000259026, at pp. 1, 9, 18.

¹⁵⁵ TT-MS-AG-000285687 (at 22:27).

tools are “not . . . at expense of retention.”¹⁵⁶ The goal is “not to reduce the time spent” but to “improve user experience and satisfaction” and ultimately “contribute to DAU [Daily Active Users] and retention.”¹⁵⁷ According to internal documents, “[t]his aligns with leadership’s guidance” that there be “**no impact to retention.**”¹⁵⁸

v. Barriers to Account Deletion

215. Defendants not only provide children and teen users with an addictive-by-design TikTok platform, but they also make it incredibly difficult for users to delete their account.

216. When a user selects “[d]eactivate or delete account” in the “Account” section of the TikTok app, they are presented with the question: “Delete or deactivate?” Deactivating an account will preserve the user’s data for future reactivation. Deleting, on the other hand, will permanently delete all data associated with the user’s account.

217. If a user selects “[d]elete account permanently,” TikTok asks: “Why are you leaving TikTok?” The user must then select one of the following: (1) “I’m leaving temporarily”; (2) “I’m on TikTok too much”; (3) “Safety or privacy concerns”; (4) “Too many irrelevant ads”; (5) “Trouble getting started”; (6) “I have multiple accounts”; or (7) “Another reason.”

218. If a user indicates that they are “on TikTok too much,” Defendants try to dissuade them from deleting their account by suggesting the use of TikTok’s ineffective time limits. If a user indicates that they have “[s]afety or privacy concerns,” Defendants provide a list of resources to “secure” the account. If the user selects “[a]nother reason,” a written explanation must be provided.

¹⁵⁶ TT-MS-AG-000028368, at –73.

¹⁵⁷ TT-MS-AG-000204080, at .0006.

¹⁵⁸ TT-MS-AG-000229158, at –58.

219. The only option for which Defendants do not provide or require further information is when a user has “multiple [TikTok] accounts” and is only deleting one of them.

220. Once a user provides a reason for deleting their account, the next screen prompts them to download their TikTok data. Then, before the user can continue, Defendants require them to affirmatively check a box at the bottom of the screen that says “[b]y continuing, you reviewed your data request and wish to continue deleting your account.” No checkbox is required for agreeing to TikTok’s Terms of Services and Privacy Policy during registration.

221. Even after the user confirms yet again their desire to continue with the deletion process, Defendants take them to yet another screen, which asks yet again whether the user wants to “delete this account.” The screen also explains that the account will only be **deactivated** for the next 30 days, during which the user may reactivate the account at any time—and warns that after 30 days the account and all data associated with it will be permanently deleted and the user will lose access to many TikTok features.

222. Once the user again confirms that they want to delete their account, Defendants require validation with a 6-digit code sent to the telephone number or email address associated with the account. Only after the user receives and enters the code may they finally “delete” their account—or more specifically, start the 30-day countdown to actual deletion.

223. Defendants’ cumbersome account deletion process is far too difficult for minors attempting to escape an addictive and harmful platform. Requiring a child or teen to go through multiple steps, repeatedly suggesting alternatives, listing things they are giving up, and requiring them to maintain a deactivated account for 30 days, all increase the chance that a young user struggling with compulsive or unhealthy usage will relapse and reverse course.

224. As these facts make clear, the danger TikTok poses to children and teen users cannot be reduced to any single feature or lack thereof. The problem goes to the very core of TikTok’s design and poses a systemic risk to young users on the platform—a risk that Defendants admit in private while misrepresenting to Nebraska consumers.

225. Defendants’ misrepresentations have resulted in substantial and irreversible harm to children and teens, including in Nebraska, by creating an epidemic of compulsive usage, exposure to unsuitable adult themes, and negative consequences for young users. These negative consequences for young users include, *inter alia*, increasing rates of depression, anxiety, loneliness, low self-esteem, and suicide, interfering with sleep and education, fueling body dysmorphia and eating disorders, and contributing to youth addiction.

226. Defendants have willfully misrepresented the nature of the TikTok platform, knowing full well the dangers TikTok poses for young users. Their willfulness is underscored by the repeated nature of Defendants’ public misrepresentations, their internal admissions, and their pattern of obstruction and delay in response to the State’s investigation and those of other state attorneys general.

227. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]¹⁵⁹ The answer to that question was no: Defendants have consistently chosen profit over children.

¹⁵⁹ TT-MS-AG-000253433, at p. 2.

COUNT I

Nebraska Consumer Protection Act – Deceptive Acts and Practices

228. The State hereby repeats and incorporates by reference all other allegations in this Complaint.

229. The Nebraska Consumer Protection Act provides that “deceptive acts or practices in the conduct of any trade or commerce shall be unlawful.” NEB. REV. STAT. § 59-1602.

230. Defendants are engaged in trade and commerce that both directly and indirectly affect the people of the State of Nebraska. Defendants market and promote their addictive and harmful platform to consumers in Nebraska, enter into a contractual agreement with each and every Nebraska user to provide access to services in exchange for their user data, exploit that data to sell advertising, and otherwise collect and profit from Nebraska consumers’ data.

231. In the course of their commercial activities affecting the people of Nebraska, Defendants have repeatedly engaged in deceptive acts and practices directed at Nebraska consumers through a pattern of misrepresentation. These include statements that:

- a. TikTok is safe and appropriate for users 12 and up;
- b. TikTok is a “Family Friendly” platform;
- c. TikTok contains only infrequent or mild instances of:
 - i. Sexual content and nudity;
 - ii. Alcohol, tobacco, and drug-related content;

- iii. Violent content;
 - iv. Profanity and crude language; and
 - v. Mature and adult themes;
- d. Defendants remove content violating the Community Guidelines;
 - e. Defendants prioritize teen safety on TikTok;
 - f. TikTok has sufficient and effective “safety” features; and
 - g. TikTok user data is not subject to Chinese intelligence laws.

232. Each of these deceptive acts and practices had the tendency and capacity to mislead Nebraska consumers—including parents and other guardians, teachers and school administrators, children and teens—and created the likelihood of deception.

233. Each of these deceptive acts and practices affect the public interest by, *inter alia*, harming Nebraska youth, undermining the efforts of Nebraska parents to protect their kids online, and fueling a youth mental health crisis in Nebraska.

234. Every occurrence of each of these deceptive acts and practices constitutes a separate violation.

COUNT II

Nebraska Consumer Protection Act – Unfair Acts and Practices

235. The State hereby repeats and incorporates by reference all other allegations in this Complaint.

236. The Nebraska Consumer Protection Act also provides that “unfair . . . acts or practices in the conduct of any trade or commerce shall be unlawful.” NEB. REV. STAT. § 59-1602.

237. Defendants are engaged in trade and commerce that both directly and indirectly affect the people of the State of Nebraska. Defendants market and promote their addictive and harmful platform to consumers in Nebraska, enter into a contractual agreement with each and every Nebraska user to provide access to services in exchange for their user data, exploit that data to sell advertising, and otherwise collect and profit from Nebraska consumers’ data.

238. In the course of their commercial activities affecting the people of Nebraska, Defendants have repeatedly engaged in unfair acts and practices directed at Nebraska consumers through a pattern of misrepresentation. These include statements that:

- a. TikTok is safe and appropriate for users 12 and up;
- b. TikTok is a “Family Friendly” platform;
- c. TikTok contains only infrequent or mild instances of:
 - i. Sexual content and nudity;
 - ii. Alcohol, tobacco, and drug-related content;
 - iii. Violent content;
 - iv. Profanity and crude language; and
 - v. Mature and adult themes;

- d. Defendants remove content violating the Community Guidelines;
- e. Defendants prioritize teen safety on TikTok;
- f. TikTok has sufficient and effective “safety” features; and
- g. TikTok user data is not subject to Chinese intelligence laws.

239. Each of these unfair acts and practices offends Nebraska public policy and is immoral, unethical, oppressive, and unscrupulous. Defendants have knowingly, intentionally, and deceptively promoted compulsive and unhealthy use of the TikTok platform by Nebraska minors in order to exploit their user data and increase Defendants’ advertising revenues.

240. Protecting minors from the harms of addiction and exposure to unhealthy and developmentally inappropriate materials are well-established objectives underlying Nebraska public policy, as reflected by Nebraska statutory and common law.

241. Each of these unfair acts and practices affect the public interest and cause substantial injury by, *inter alia*, harming Nebraska youth, undermining the efforts of Nebraska parents to protect their kids online, and fueling a youth mental health crisis in Nebraska.

242. Every occurrence of each of these unfair acts and practices constitutes a separate violation.

COUNT III

Uniform Deceptive Trade Practices Act – Misrepresentations

243. The State hereby repeats and incorporates by reference all other allegations in this Complaint.

244. Deceptive trade practices prohibited by the Uniform Deceptive Trade Practices Act include representations:

- (5) that goods or services have . . . characteristics, . . . uses, [or] benefits . . . that they do not have;
- (6) that goods or services do not have . . . characteristics [or] uses . . . that they have; and
- (8) that goods or services are of a particular standard [or] quality . . . if they are of another.

NEB. REV. STAT. § 87-302(a).

245. In the course of their business in Nebraska, Defendants have repeatedly represented to Nebraska consumers that the TikTok platform (1) has characteristics, uses, and benefits that it does not have; (2) does not have characteristics and uses that it does have; and (3) is of a particular standard or quality when in reality it is of another. These include Defendants' representations that:

- a. TikTok is safe and appropriate for users 12 and up;
- b. TikTok is a "Family Friendly" platform;
- c. TikTok contains only infrequent or mild instances of:
 - i. Sexual content and nudity;
 - ii. Alcohol, tobacco, and drug-related content;
 - iii. Violent content;
 - iv. Profanity and crude language; and

- v. Mature and adult themes;
- d. Defendants remove content violating the Community Guidelines;
- e. Defendants prioritize teen safety on TikTok;
- f. TikTok has sufficient and effective “safety” features; and
- g. TikTok user data is not subject to Chinese intelligence laws.

246. Every occurrence of each of these misrepresentations constitutes a separate violation.

COUNT IV

Uniform Deceptive Trade Practices Act – False or Misleading Statements in a Privacy Policy

247. The State hereby repeats and incorporates by reference all other allegations in this Complaint.

248. Nebraska law also defines deceptive trade practices to include “[k]nowingly mak[ing] a false or misleading statement in a privacy policy, published on the Internet or otherwise distributed or published, regarding the use of personal information submitted by members of the public.” NEB. REV. STAT. § 87-302(a)(15).

249. In the course of their business in Nebraska, Defendants knowingly made false and misleading statements in privacy policies governing the use of personal information submitted by members of the public, including user data collected from its youngest users.

250. In privacy policies published on the TikTok website, including the “Children’s Privacy Policy” last updated January 1, 2023,

Defendants state that they do not “sell information” from “users under the age of 13” to third parties, or “share such information with third parties for the purposes of cross-context behavioral advertising.”¹⁶⁰

251. These statements are false and misleading because Defendants know that the vast majority of “users under the age of 13,” including in Nebraska, do not report their actual age. Defendants nonetheless collect, sell, and share vast amounts of data from these users.

252. Defendants know (or are able to infer) the age of many underage users based on the massive amounts of user data they collect, but have instead chosen to turn a blind eye.¹⁶¹

253. In the course of their business in Nebraska, Defendants also knowingly made false and misleading statements in their “Privacy Policy” for U.S. users, last updated March 28, 2024, by misrepresenting “how we share information with certain corporate group entities” and incorporating false and misleading statements from the USDS website.¹⁶²

254. The USDS website, incorporated by reference into TikTok’s Privacy Policy, states that “all access to . . . protected data is restricted to approved USDS employees” with “limited exceptions” subject to “a robust data access protocol.” According to Defendants,

¹⁶⁰ *Children’s Privacy Policy*, TikTok (updated January 1, 2023), <https://www.tiktok.com/legal/page/global/childrens-privacy-policy/en> (accessed May 16, 2024).

¹⁶¹ Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions*, N.Y. TIMES (August 14, 2020), <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html> (accessed May 16, 2024).

¹⁶² *Privacy Policy*, TikTok (updated March 28, 2024), <https://www.tiktok.com/legal/page/us/privacy-policy/en>; *Safeguarding U.S. User Data*, TikTok U.S. Data Security, <https://usds.tiktok.com/safeguarding-us-user-data/>; *Myths vs Facts*, TikTok U.S. Data Security, <https://usds.tiktok.com/usds-myths-vs-facts/> (all links accessed May 16, 2024).

“[t]his eliminates the concern . . . that TikTok US user data could be subject to Chinese law.”¹⁶³

255. These statements are false and misleading because Defendants know that these formal procedures do not actually limit access to protected data in practice, much less eliminate the possibility of TikTok user data being subject to Chinese intelligence laws.

COUNT V

Uniform Deceptive Trade Practices Act – Unconscionability

256. The State hereby repeats and incorporates by reference all other allegations in this Complaint.

257. Nebraska law further provides that “[a]n unconscionable act or practice by a supplier in connection with a consumer transaction shall be a violation of the Uniform Deceptive Trade Practices Act.” NEB. REV. STAT. § 87-303.01(1).

258. Defendants’ exploitation of Nebraska minors, supplying them with an intentionally addictive and harmful service in exchange for their user data—while repeatedly lying to Nebraska parents seeking to protect their children—is unconscionable.

259. There is a gross disparity in the position of Defendants and their minor users, one that Defendants have knowingly taken advantage of since TikTok’s creation. Over the years, Defendants have invested billions of dollars to hook U.S. children and teenagers on their platform, including countless young people in Nebraska. As the U.S.

¹⁶³ *Id.*

Surgeon General has stated, “you’re pitting a child against the world’s greatest product designers and that’s just not a fair fight.”¹⁶⁴

PRAYER FOR RELIEF

WHEREFORE, the State of Nebraska respectfully demands that this Court:

- A. Declare that Defendants have engaged in deceptive, unfair, and unconscionable acts and practices against Nebraska consumers in violation of the Nebraska Consumer Protection Act and Uniform Deceptive Trade Practices Act;
- B. Enjoin Defendants from engaging in the deceptive, unfair, and unconscionable acts and practices described herein;
- C. Award the State civil penalties of \$2,000 per violation under NEB. REV. STAT. § 59-1614 and NEB. REV. STAT. § 87-303.11;
- D. Order disgorgement of all funds and property acquired by Defendants from Nebraska consumers through their deceptive and unfair acts and practices under NEB. REV. STAT. § 59-1608(2);
- E. Award the State its costs and fees under NEB. REV. STAT. § 59-1608(1) and NEB. REV. STAT. § 87-303(b), including reasonable attorneys’ fees; expert-witness expenses; costs incurred in pursuing this action and investigation; and prejudgment and post-judgment interest;

¹⁶⁴ Julia Mueller, *Surgeon general: 13-year-olds too young to join social media*, THE HILL (January 30, 2023), <https://thehill.com/policy/healthcare/3835954-surgeon-general-13-year-olds-too-young-to-join-social-media/> (accessed May 16, 2024).

- F. Declare that each Defendant is jointly and severally liable for all penalties and other damages awarded; and
- G. Grant any other just and equitable relief the Court deems appropriate.

JURY DEMAND

The State demands a trial by jury on all issues so triable.

DATED: May 22, 2024

MICHAEL T. HILGERS

Nebraska Attorney General

BY: /s/ Colin P. Snider

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Attorneys for the State of Nebraska

Appendix A

The State has submitted true and correct copies of the TikTok videos referenced in the Complaint via USB drive, listed in order below along with the relevant paragraphs in the Complaint.

File	File Name	Compl. ¶
01	bold glamour filter - kellystrackofficial.mp4	109
02	when i threw up on it - ilikeburntbacon.mp4	125(a)
03	I give blind kids a gun - ivanpaniagua52.mp4	125(b)
04	pregnant teen couple - miss.savastruu.mp4	125(c)
05	hot dog and pickle - taylormakesvideos.mp4	125(d)
06	cash and percocets - th3yluvnez.mp4	127
07	forced vomiting after dinner - user0282747191.mp4	129
08	starve, don't eat - thinnest4.mp4	131
09	you can always be thinner - baciogelato.mp4	132
10	maybe in another universe - confracted.mp4	134
11	bed rotting - missbalding.mp4	135(a)
12	something inside you is broken - misomiaoo.mp4	135(b)
13	i hate myself - lanitamamita.mp4	135(c)
14	the last time she saw me - _regenaluvsrei.mp4	137
15	one day I am going to go for a walk - realcore4.mp4	138
16	only way not to feel bad - we.can.get.through.this1.mp4	139
17	how I look at the stars - wingllessangel.mp4	140
18	where u going soon? - sadfacemf.mp4	140
19	throw it back, make it clap - sophieraiin.mp4	143
20	pajama dancing - mightbepink.mp4	143
21	can I see your meat? - usahaley.mp4	147
22	I got something you can screw - noemyiscool_.mp4	147

Certificate of Service

I hereby certify that on Wednesday, August 07, 2024 I provided a true and correct copy of the Stipulation to the following:

State of Nebraska, ex rel. represented by Blake E. Johnson (Bar Number: 24158) service method: Electronic Service to blake@bruninglawgroup.com

TikTok Inc. represented by Dwyer Arce (Bar Number: 25709) service method: Electronic Service to dwyer.arce@kutakrock.com

Bytedance LTD represented by Michael S. Degan (Bar Number: 20372) service method: Electronic Service to mike.degan@kutakrock.com

TikTok PTE LTD represented by Michael S. Degan (Bar Number: 20372) service method: Electronic Service to mike.degan@kutakrock.com

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Signature: /s/ SNIDER, COLIN P (Bar Number: 27724)