

EXHIBIT 84

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PEOPLE OF THE STATE OF CALIFORNIA,
et al.,
Plaintiffs,

v.

META PLATFORMS, INC, Instagram, LLC,
Meta Payments, Inc., Meta Platforms
Technologies, LLC., et al.,
Defendants

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY
PRODUCTS LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:
4:23-cv-05448

MDL No. 3047

Case No. 4:23-cv-05448-YGR

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

TRIAL REPORT OF ADAM L. ALTER, PH.D.
August 1, 2025

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I. EXECUTIVE SUMMARY OF OPINIONS

1. This report is divided into two Parts: the first Part, labeled **1. DECEPTION**, examines how reasonable consumers would have understood various statements made by Meta personnel; the second Part, labeled **2. CHILD-DIRECTEDNESS OF META PLATFORMS**, examines the extent to which Meta platforms Facebook and Instagram, or portions of those platforms, were directed to children.

2. To understand the effect(s) that Meta’s public statements would have had on a reasonable consumer, in **Part 1** I have adopted the social influence analytic framework. This framework considers three relevant dimensions of influence: the context in which the statements were made; the tactics of persuasion used by the communicator and embedded within the statements; and the manner in which consumers process information. Based on this analysis of Meta’s public communications and internal documents, statements of Meta employees, as well as relevant academic literature, I have reached the following conclusions:

- A. Social media platforms are rapidly-evolving and opaque technology products about which consumers have less information than do the products’ manufacturers. Social media platforms are thus “credence goods,” meaning that it is difficult or impossible for consumers to evaluate such products or services even after those consumers have used them, because those consumers lack the knowledge or expertise necessary to conduct their own independent evaluations.
- B. Companies like Meta use public statements strategically to develop, protect, or repair consumer perceptions of their brands and products. When making public statements, Meta employed tactics of persuasion designed to influence consumer perception, including *drumbeat messaging*, *proof points*, *favorable metrics*, *agenda setting*, and *side-stepping criticism*.
- C. In complex decision-making environments, where, like here, the focal issues are highly technical and opaque, even highly motivated consumers are constrained in their ability to perform extensive assessments and to reach comprehensive conclusions about the product. In domains concerning health and safety, as in the present context, consumers reasonably tend to assume that a company’s communications are both truthful and complete. Furthermore, consumers may unconsciously rely on certain processing cues (or, *heuristics*) to make sense of company messaging. Consumers also tend to distill

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central meanings, or “gists,” from a set of statements or claims. Reliance on such implicit assumptions and processing cues is characteristic of reasonable consumers.

- D. Meta was aware that consumers had major concerns about the effects of its platforms on the health and safety of the users of those platforms. Its knowledge of those concerns informed its communications strategy. Meta knew that uncertainty or concern about platform safety could hamper the growth of its platforms, engagement with those platforms, and, ultimately, Meta’s financial performance. Thus, to protect its brand and long-term viability as a company, Meta disseminated messages that were designed to shape consumer perceptions of the health and safety of its platforms in the company’s favor.
- E. Meta made a series of misleading public statements that advanced four distinct sets of claims that were relevant to individuals under age 13 (“U13”) and individuals of ages 13-17 (“teens”; collectively “young users”):
 - a. Claims that Meta prioritized user well-being, health, and safety, particularly for young users, over other interests, including its own business interests. Specifically, Meta claimed that consumer well-being was its “number one priority” or one of its top priorities, that it prioritized well-being over profit, and that it made significant and meaningful investments in well-being efforts.
 - b. Claims that Meta’s platforms are not addictive. Specifically, Meta claimed that its platforms do not operate to addict, were not designed to be addictive, and touted its time management tools such as Take a Break and other features as proof points to support this sentiment.
 - c. Claims that Meta’s platforms do not harm users. Specifically, Meta claimed that research shows that the overall effect of its platforms on user well-being is neutral or positive rather than negative; issued public transparency metrics that indicate harmful content and experiences on the platforms are rare; that its internal policies keep platforms safe for users; and that its platforms are suitable for young users.
 - d. Claims that Meta effectively prevents U13s from using its platforms. Specifically, Meta claimed that U13s are not allowed to use and do not use the platforms, and that it “especially” invests and engages in various efforts to inhibit U13 use in furtherance of its policy to prohibit U13s from using its platforms.
- F. Meta’s health and safety claims were meaningful and important to a significant number of consumers. Empirical evidence demonstrates that large numbers of parents and teens worry about the safety of Meta’s platforms, and the addictive nature of those platforms.
- G. In concluding that the above-referenced public statements by Meta are false, incomplete, or otherwise have the tendency to mislead, I compared the impression that the statements would give a reasonable consumer with assumptions that counsel directed me to make. I asked counsel to provide documents that would help me better understand the basis of these assumptions. There is a stark contrast between the impression that Meta’s public statements would give a reasonable consumer, on the one hand, and the facts associated

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with the assumptions and documents I was given by counsel, on the other hand. Specifically:

- a. Directly inconsistent with its external statements, Meta has made numerous internal decisions that deprioritized well-being and safety efforts, often for reasons related to profits and growth. Meta has also repeatedly failed to invest and fund internally recommended initiatives related to well-being and safety (*see* Section X.A.vi). Accordingly, reasonable consumers would have been misled by Meta's claims that user well-being, health, and safety are its "number one priority" because such audiences would expect Meta to prioritize the welfare of its platforms' consumers over the company's growth and profit when making decisions about those platforms. Further, a reasonable consumer would expect Meta to make significant and meaningful investments to launch and promote products designed to improve well-being, whereas Meta did not in fact do so.
- b. Directly inconsistent with its external statements, Meta had internal knowledge that users reported addictive, problematic use of its platforms and internally acknowledged that problematic use consistent with addiction was occurring. In addition, Meta knew its time management tools such as Take a Break and related features were ineffective (*see* Section X.B.vi). As a result, reasonable consumers would have been misled by Meta's public statements disclaiming the addictiveness of its platforms. Such consumers would have understood those statements to mean that Meta was not aware that its products operate to induce problematic and/or addictive use and/or were designed to be addictive. Furthermore, such audiences would have been led to believe that the Take a Break and related features were effective at curbing addictive use, whereas those features were not effective at curbing addictive use.
- c. Directly inconsistent with its external statements, Meta had internal data and knowledge of the frequency of harms occurring and/or being experienced on its platform by users, including young users, and knew its policies and procedures were not fully effective in eradicating or preventing such harmful experiences, yet failed to disclose such information (*see* Section X.C.v). Thus, reasonable consumers would have been misled by Meta's claims regarding the capacity for its platforms to harm users. Such consumers would have been misled because they would have been led to believe that Meta had robust procedures for eradicating harmful content, and preventing such content from reaching its platforms, and that young users would have encountered such harmful content only in negligible quantities.
- d. Directly inconsistent with its external statements, Meta internally knew meaningful numbers of U13s were on its platform, its lax age-gating and age enforcement enabled underage use, it was underinvested in age assurance, and efforts related to age-gating, age verification, age-detection, and underage removal were ineffective and lagged behind industry standards (*see* Section X.D.iv). Thus, reasonable consumers would have been misled by Meta's claims regarding the company's approach to and effectiveness in preventing children

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under the age of 13 from using its platforms. Such consumers would have falsely believed that Meta did not have knowledge that U13s were using its platforms, and that its lax registration process enables such underage use, whereas the company did have such awareness. Furthermore, reasonable consumers would have falsely believed that Meta meaningfully invested in underage enforcement and that its efforts in age-gating, age-enforcement, age-detection, age assurance, and underage removal were effective at inhibiting U13 use, when in fact Meta did not prioritize investment in policing underage use, and knew its efforts were not effective and lagged behind industry standards.

- H. There is strong empirical evidence and theoretical justification for concluding that the information conveyed by Meta's statements was transmitted to, and spread further by, consumers. Several factors make the significant diffusion of such statements among consumer audiences likely. These include the importance of the subject matter, the high levels of uncertainty among consumers, the types of audiences receiving Meta's message and their communication styles, and the size of Meta's audience. Meta's own marketing documents acknowledge that it intended its external messaging related to safety and well-being to reach important markets such as Massachusetts, Illinois, New York, and California, among others.¹

3. In addition, with respect to my assessment of the child-directedness of Meta's platforms (**Part 2** of this report), based on my analysis of Meta's and third parties' internal documents, statements of Meta employees, relevant academic literature, and publicly available sources, I have reached the following conclusions regarding Meta's platforms:

- I. Literature in the field of developmental psychology has identified specific characteristics associated with different phases of childhood. Tweens are psychologically distinct because their emerging cognitive and emotional skills are tested by the growing complexities of adolescence. Tweens are also particularly attracted to social media platforms that incorporate social comparison metrics and feedback.
- J. During this period, children transition from perceiving adults as aspirational figures to perceiving dominant peers and older teens as aspirational figures. Tweens and young teens are susceptible to peer-influence because they pay close attention to feedback from same-age and older peers and siblings as they balance a drive for conformity with ongoing attempts to explore uniqueness and self-expression. Tweens are therefore

¹ META3047MDL-146-00056954, "Parent Advocacy Network - Pilot Proposal"; META3047MDL-231-00001706, "U.S. Youth Campaign Targeting," June 2024; META3047MDL-047-00659172, "Youth updates for EA team biweekly (3/7)"; META3047MDL-129-00027832, "Re: [tasks] T189402400: Screen Smart Phase 3 Proposal," July 22, 2024; META3047MDL-129-00090614, Screen Smart info; and META3047MDL-146-00057583, "Instagram Teen Accounts Launch - Local Comms Plan."

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attracted to activities popular among teens, including usage of Meta's social media platforms.

- K. Certain types of content are appealing to children and tweens. Tweens in particular enjoy social entertainment experiences that include other people, and seek out content associated with older teens, influencers, and celebrities—groups that are broadly socially desirable or aspirational. Tweens are interested in content that appeals both to children, such as cartoons, and content appealing to teens, reflecting the developmental characteristics that lead tweenhood to overlap with both childhood and the teenage years.
- L. Meta, as an umbrella company overseeing several apps and social media platforms, has long viewed young teens and child users as valuable and important for the company's long-term growth. Meta has attracted and retained child users for over a decade. It has also extracted valuable content from, and established its social relevance by attracting, tween and teen users. Meta frequently studied the needs and interests of children under the age of 13—including children as young as pre-school aged—and developed Messenger Kids to attract such users to the company's family of apps. Meta similarly initiated but ultimately paused the development of a version of Instagram for children.
- M. Instagram has long been viewed as an app popular among tweens, and Meta researched tween needs and social media habits as part of Instagram's ongoing development. Instagram executives perceived tweens to be similar to teens, and recognized that an app that appeals to young teens similarly appeals to tweens. Instagram incorporated a series of features and hosts content, that appeals to tweens, including: features from other apps popular with tweens, such as Reels and Stories; creative, playful elements like camera filters and custom stickers; content posted by tween influencers; and entertaining videos. Meta was aware that Instagram attracted and retained users under the age of 13. The Instagram platform as a whole is directed to children.
- N. Instagram features accounts that are directed to children, including accounts featuring influencers who are themselves younger than age 13, YouTube celebrities and shows popular with children, and other content popular with tweens. These accounts not only contained content that appeals to a child audience, but also contained comments from users who reported that they were younger than age 13. Meta has encouraged the creation of such content, including by compensating celebrities popular with children for creating content on Instagram.
- O. Facebook historically was very popular among child users, which Meta executives both knew and discussed publicly. As Facebook's relative share of tween and young teen users declined during the 2010s, Meta conducted research to examine what it variously defined as a single 11- to 15-year-old demographic in order to improve its ability to attract and retain users who fell within this age group. Facebook incorporated features and hosted content similar to the features and content on Instagram that were intended to attract and retain teen and tween users, including: creative and playful features, including stickers; features from other apps popular with tweens, such as Live, Reels, and Stories; entertaining child- and tween-targeting videos; Groups focused on middle and high school activities; and content from celebrities that appealed to tweens and young teens.

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Meta was aware that Facebook attracted and retained users under the age of 13. The Facebook platform as a whole is directed to children.

- P. Facebook features accounts that are directed to children, such as pages of under-13 influencers, YouTube celebrities and YouTube shows popular with children, and games popular among children. These accounts not only contained content that appeals to a child audience, but also contained comments from users who reported that they were younger than age 13.

- 4. **Appendix C** contains a full list of the materials I considered in forming my opinions. I retain the right to amend these opinions if I become aware of new information.

II. QUALIFICATIONS

- 5. I am a Professor of Marketing and the Stansky Teaching Excellence Faculty Fellow at New York University's Stern School of Business, New York. I also hold an affiliated appointment as a Professor in the New York University psychology department. I have held these positions since 2009. I received my B.Sc. (Honors Class I, University Medal), majoring in psychology, from the University of New South Wales, in Sydney, Australia, in 2004, and an M.A. and Ph.D. in social and cognitive psychology from Princeton University, in 2006 and 2009, respectively. At Princeton University, I held a Fellowship in the Woodrow Wilson Society of Scholars, and the Procter Dissertation Fellowship, awarded to a handful of Princeton graduate students across all disciplines each year. My academic career extends almost twenty-five years, including teaching positions at the University of New South Wales, Princeton University, and New York University's Stern School of Business. I have taught courses at undergraduate, graduate (MBA and executive MBA), and doctoral levels, and delivered dozens of lectures and keynotes at, among other institutions, Harvard University, Yale University, MIT, Stanford University, the University of Pennsylvania, Carnegie Mellon University, and the University of Chicago.

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6. Among other topics, my research examines the design, features, and user experience associated with screen-based technologies, including a number of social media platforms. My early research on this topic culminated in the book *IRRESISTIBLE*, which I published in 2017, and which led to consulting and policymaking engagements on the topic of online engagement and behavior with various federal and state governments around the world, and a position as advisor to the World Economic Forum on Virtual and Augmented Reality, Artificial Intelligence, and Blockchain. During the eight years since the publication of *IRRESISTIBLE*, I have continued to teach, conduct research, and consult on related topics. Among other products of this work, I delivered a related TED talk at the TED2017 conference in Vancouver, Canada, which has been viewed over five million times, and was voted by TED as among the ten best talks of 2017. I have also written or been featured in various op-eds and popular translations of the ideas in *IRRESISTIBLE*, and on related topics, at outlets including *The New York Times*, *WIRED*, NPR, *The Washington Post*, *New Yorker*, *Popular Science*, and PBS.

7. Amidst my ongoing examination of screen-based technologies, I have developed a particular expertise in social media platforms. For the past fifteen years, I have examined, written about, and broadly consulted on, among other topics: the evolution of the social media marketplace; the nature of a broad range of social media platforms, including but not limited to Facebook and Instagram; the so-called “attention economy,” and the tendency for social media companies to rely on acquiring and retaining the attention of their users to draw in advertisers (their chief form of revenue); and the particular vulnerability of young users to harm on, and overuse of, social media platforms. In the course of this research and consulting period, I have interviewed and discussed the experiences of, among others, numerous parents, young users, school administrators, teachers, and government policymakers. As such, I have more than a

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employees for more resources to promote user well-being; and “deprioritized,” under-funded, or shut down teams and initiatives designed to understand and promote user well-being.

B. Meta conveyed to consumers that its platforms were not addictive

197. In this section I address Meta’s public statements regarding the addictiveness of its platforms, how those statements are likely to shape consumer perceptions of Meta’s platforms, and how evidence from Meta employees and documents reveals an internal narrative about Meta’s platforms which differs considerably from the narrative presented publicly. A summary of this section is presented below.

198. Meta, or high-ranking Meta personnel including Meta’s CEO, Head of Instagram, Meta’s Global Head of Safety, Vice President of Global Affairs, and Vice President, Head of Research have made public statements that fall into one of the three following categories:

- a. Meta’s statements claiming its platforms are not addictive;
- b. Meta’s statements claiming its platforms are not designed to be addictive; and
- c. Meta’s discussion of time management tools as proof points to support its statements that its platforms are not addictive.

199. The above statements have a tendency to mislead because:

- a. A reasonable consumer would understand addiction to have a broad, lay meaning;
- b. A reasonable consumer would not expect that Meta designed its products to be, and knew that they were, addictive in the broad, lay sense; and
- c. A reasonable consumer would perceive Meta’s time management features as effective at curbing addictive use, but those features were not effective at curbing

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addictive use.

200. Below, I focus my analysis on nine statements that I identified through a review of the operative complaints and my own independent investigation. I selected the statements based on several factors, including the nature of the deception, their likelihood of reaching consumers, and the ease of grouping them together for purposes of discussion. The list is not exhaustive. The absence of a particular statement from the tables below should not be taken to imply that the absent statement is not potentially deceptive.

201. I then analyze each grouping of statements to identify the tactics that Meta deployed and relied on to bolster the persuasiveness of its public narrative. Finally, I demonstrate how these statements were false or misleading using the assumptions provided to me by counsel and examples from Meta’s own internal documents and employee testimony.

i. Explanation of addiction-related terminology

202. At its core, addiction—including both substance-based and behavioral addiction—involves two elements: an erosion or loss of self-control, and the imposition of harm in the long-term.⁴³⁵ Though a narrower medical or clinical definition of the term “addiction” might cover only officially recognized medical diagnoses, the more common lay understanding and use of the term refers to attitudes and patterns of behavior that exhibit these core features of control loss and harmful outcomes. By 2018, when Meta made the earliest of its addiction-related at-issue statements, “social media addiction” had emerged as a term in the popular lexicon to describe the capacity of social media platforms to produce uncontrolled use that resulted in harm to their

⁴³⁵ See, e.g., Grant, J. E., Potenza, M. N., Weinstein, A., & Gorelick, D. A. (2010), “Introduction to behavioral addictions,” *The American Journal of Drug and Alcohol Abuse*, 36(5):233-241 (p. 234); Alter, A. L. (2017), *Irresistible: The rise of addictive technology and the business of keeping us hooked* (p. 20), Penguin Press.

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users. In academic work,⁴³⁶ popular media,⁴³⁷ and internal Meta documents,⁴³⁸ the term “addiction” is routinely used to describe problematic patterns of social media-related behavior that are not necessarily associated with a medical diagnosis. As such, consumers would likely evaluate Meta’s statements about “addiction” and “addictiveness” according to this broader lay understanding of the term, in which any element that is designed to or actually does make the product difficult to resist is considered an addictive quality.

203. Additionally, several other terms exist to refer to behavioral patterns that meet the lay understanding of addiction. In the case of addictive technology, these terms include: “problematic use,” “compulsive use,” “extended use,” and “dependence.” For example, a 2017 book chapter on the definitions of substance and non-substance addiction⁴³⁹ notes that:

The phenomenon of Internet addiction has many related terms, including Internet Addiction (IA), Internet Addiction Disorder (IAD), Internet dependency or Internet dependence (ID), Pathological internet use or Problematic internet use (PIU), excessive internet use, and impulsive-compulsive internet usage disorder (IC-IUD),⁴⁴⁰

204. In the case of social media addiction, each of those synonyms for addictive use of the

⁴³⁶ See, e.g., Van Den Eijnden, R. J., Lemmens, J. S., & Valkenburg, P. M. (2016), “The social media disorder scale,” *Computers in Human Behavior*, 61:478-487; Cheng, C., Lau, Y. C., Chan, L., & Luk, J. W. (2021), “Prevalence of social media addiction across 32 nations: Meta-analysis with subgroup analysis of classification schemes and cultural values,” *Addictive Behaviors*, 117:106845.

⁴³⁷ See, e.g., Seymour, Richard, Aug. 23, 2019, “The machine always wins: what drives our addiction to social media,” *The Guardian*, <https://www.theguardian.com/technology/2019/aug/23/social-media-addiction-gambling>; Peck, Sarah K., Oct. 18, 2018, “I Ran 4 Experiments to Break My Social Media Addiction. Here’s What Worked,” *Harvard Business Review*, <https://hbr.org/2018/10/i-ran-4-experiments-to-break-my-social-media-addiction-heres-what-worked>; Bromwich, Jonah Engel, Jan. 27, 2017, “Generation X More Addicted to Social Media Than Millennials, Report Finds,” *The New York Times*, <https://www.nytimes.com/2017/01/27/technology/millennial-social-media-usage.html>; Inman, Skyler, Jul. 15, 2016, “How to Curb Your Social Media Addiction,” *Inc.*, <https://www.inc.com/skyler-inman/ditch-your-social-media-addiction-with-these-five-tips.html>.

⁴³⁸ See below at Section X.B.vi.a.

⁴³⁹ Zou, Z. et al. (2017), “Definition of substance and non-substance addiction,” *Advances in Experimental Medicine and Biology*, 1010:21-41.

⁴⁴⁰ Zou, Z. et al. (2017), “Definition of substance and non-substance addiction,” *Advances in Experimental Medicine and Biology*, 1010:21-41 (p. 31).

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technology is also used variously in public discourse, academic research, and internally within Meta to describe a troubling phenomenon that is familiar to many people, including social media platform users, parents, healthcare professionals, researchers, and others.

ii. Analysis of individual statements: *Addictiveness*

205. The first grouping of statements is presented below in Table 4:

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Table 4. Meta's statements claiming its platforms are not addictive

No.	Date	Speaker	Statement	Context
B1	December 8, 2021	Adam Mosseri, Head of Instagram	"Senator, respectfully, I don't believe the research suggests that our products are addictive." ⁴⁴¹	Mr. Mosseri responded to Senator Blumenthal, who asked: "Instagram is addictive. That is the view that has been repeated again and again and again by people who are experts in this field. Parents know it. And for teens who see Instagram's algorithms encouraging, for example, eating disorders, they find it almost impossible to stop. The UK code restricts Instagram's use of addictive design, legally restricts its use of addictive design. Shouldn't we have a similar rule in the United States?"
B2	September 30, 2021	Antigone Davis, Meta's Global Head of Safety	"So I disagree with calling our product addictive. I also think that is not how we build products." ⁴⁴²	Ms. Davis made this statement in response to Senator Sullivan, who asked: "So, Ms. Davis, it is probably—well, I want to ask you, but I have three daughters, and when I read the—when I read the Wall Street Journal story, I was shocked, but, you know, in some ways, not surprised because I think we have seen a lot of this. So when you are looking at your applications, your services, do you balance the mental health needs of Americans versus the addictive nature of the products that you sell?"

⁴⁴¹ *Protecting Kids Online: Instagram and Reforms for Young Users*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. (Dec. 8, 2021), <https://www.congress.gov/event/117th-congress/senate-event/331205/text>.

⁴⁴² *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. 1 (Sept. 30, 2021), <https://www.congress.gov/117/hrhg/CHRG-117shrg53125/CHRG-117shrg53125.pdf>.

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206. Meta’s Head of Instagram, Adam Mosseri, made Statement B1 at a December 2021 Congressional hearing on protecting young users online, when Mr. Mosseri used these tactics to respond to a line of questioning about addiction. In the hearing, Senator Blumenthal asked Mr. Mosseri the following:

Instagram is addictive. That is the view that has been repeated again and again and again by people who are experts in this field. Parents know it. And for teens who see Instagram’s algorithms encouraging, for example, eating disorders, they find it almost impossible to stop. The UK code restricts Instagram’s use of addictive design, legally restricts its use of addictive design. Shouldn’t we have a similar rule in the United States?⁴⁴³

207. When the Senator referenced the notion that “teens . . . find it almost impossible to stop,” he was making clear to Mr. Mosseri that his use of the word “addiction” comports with the broad, lay meaning ascribed to the word.⁴⁴⁴ Mr. Mosseri responded, “Senator, respectfully, I don’t believe the research suggests that our products are addictive.”⁴⁴⁵ This response refutes the Senator’s assertion that “Instagram is addictive,” so a reasonable consumer would understand Mr. Mosseri to be denying that Instagram is addictive in the broad, lay sense of the word, and that the company did not otherwise have internal awareness that the platform operates to induce problematic usage consistent with addiction.⁴⁴⁶ Immediately after refuting the Senator, Mr.

⁴⁴³ *Protecting Kids Online: Instagram and Reforms for Young Users*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. (Dec. 8, 2021), <https://www.congress.gov/event/117th-congress/senate-event/331205/text>.

⁴⁴⁴ As discussed above in Section X.B.i.

⁴⁴⁵ *Protecting Kids Online: Instagram and Reforms for Young Users*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. (Dec. 8, 2021), <https://www.congress.gov/event/117th-congress/senate-event/331205/text>.

⁴⁴⁶ Moreover, immediately after Mr. Mosseri’s response, the Senator made additional remarks leaving no doubt that he is using the broad, lay meaning of “addictive”: “We can debate the meaning of the word addictive, but the fact is that teens who go to the platform, find it difficult, maybe sometimes impossible, to stop. And part of the reason is that more content is driven to them to keep them on the site, to aggravate the emotions that are so seductive and ultimately addictive.” *Protecting Kids Online: Instagram and Reforms for Young Users*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. (Dec. 8, 2021), <https://www.congress.gov/event/117th-congress/senate-event/331205/text/>.

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Mosseri continued: “Research actually shows that on 11 of 12 difficult issues that teens face, teens who are struggling said that Instagram helps more than harms.”⁴⁴⁷ In doing so, Mr. Mosseri side-stepped the Senator’s question and raised a proof point that would lead a reasonable consumer to think that he was referring to research that demonstrates that Instagram is not addictive in the broad, lay sense of the word. Yet, the study that Mr. Mosseri refers to is not about addiction at all: rather than studying how people felt about the amount of time they spent on Instagram, it instead studied how Instagram affected their feelings on aspects of well-being, such as body image. Thus, Mr. Mosseri’s use of this proof point has a tendency to mislead by bolstering the consumer’s impression that Instagram is not addictive. Moreover, the statistic that Mr. Mosseri referenced here was cited by Meta in other instances as well, creating a drumbeat of repetition that tended to enhance the credibility of the statistic.⁴⁴⁸

208. Ms. Davis also made a similar statement, Statement B2, at a September 2021 Congressional hearing. A Senator asked Ms. Davis, “So when you are looking at your applications...do you balance the mental health needs of Americans versus the addictive nature of the products that you sell?” Ms. Davis told Congress, “So I disagree with calling our product addictive. I also think that is not how we build products.”⁴⁴⁹ The exchange shows the Senator using “addictive” in the broad, lay sense of the word: immediately after Ms. Davis’s response, the Senator adds that addiction has to do with “teenagers constantly wanting to be engaged in

⁴⁴⁷ *Protecting Kids Online: Instagram and Reforms for Young Users*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. (Dec. 8, 2021), <https://www.congress.gov/event/117th-congress/senate-event/331205/text>.

⁴⁴⁸ For example, just a few months earlier, this statistic also appeared in a blog post from Pratiti Raychoudhury, Vice President, Head of Research: “Contrary to The Wall Street Journal’s characterization, Instagram’s research shows that on 11 of 12 well-being issues, teenage girls who said they struggled with those difficult issues also said that Instagram made them better rather than worse.”

⁴⁴⁹ *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. 1 (Sept. 30, 2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf>.

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social media” and “hav[ing] more eye-balls for a longer amount of time engaged.” Rather than withdrawing her assertion that she “disagree[s] with calling our product addictive,” Ms. Davis appears to agree with the Senator’s concept of “addiction,” stating that she has not “met a parent who doesn’t think about the time their child spends on their phone.”⁴⁵⁰ Ms. Davis then pivoted to Meta’s time-spent tools as a proof point, claiming that “...one of the things...that we have done to actually to [sic] try to address that is to make people aware of how much time they are spending” through the time spent “dashboard.”⁴⁵¹ By acknowledging parents’ concerns about how teens spend their time and mentioning Meta’s use-management tools, Ms. Davis appears responsive to the Senator’s question and gives the impression that the platform is not addictive, and that Meta has no internal knowledge that the platform operates in a way that induces problematic usage consistent with addiction.

209. Ms. Davis’s reframing of the addiction conversation to center on product design and use-management tools rather than the platforms’ effects on users exemplifies a common persuasion tactic employed in Meta’s public statements. By shifting the focus to Meta’s supposedly good intentions and its proof points in the form of use-management tools, Ms. Davis effectively side-steps the Senator’s actual question and instead answers a different question that was not posed to her.

210. The fact that Mr. Mosseri’s and Ms. Davis’s statements were made in Congressional testimony also made these statements an effective form of agenda setting, as they were high-

⁴⁵⁰ *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. 1 (Sept. 30, 2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf>.

⁴⁵¹ *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm*, Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec. of the S. Comm. on Com., Sci., & Transp., 117th Cong. 1 (Sept. 30, 2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf>.

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profile statements that helped Meta set forth a strong narrative countering external perspectives that their products were addictive in the broad, lay sense of the word. The general tendency for consumers to assume that a company's communications are truthful and complete is particularly heightened in the context of such formal testimony.

211. In summary, a reasonable consumer would understand from the above statements that Meta's products were not addictive in the broad, lay sense of the word and the Meta did not have knowledge that its platform design operates to induce problematic usage consistent with addiction. As discussed below, in paragraphs 231-232, I have assumed that Meta's products are in fact internally known to be addictive in the broad, lay sense of the word, and also reviewed internal documents that support the same conclusions. Therefore, my opinion is that the above statements have a tendency to mislead.

iii. Analysis of individual statements: *Product Design*

212. As shown in the table below, high-ranking officials at Meta have publicly stated that the company does not design its products to be addictive.

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Table 5. Meta's statements claiming it does not design its platforms to be addictive

No.	Date	Speaker	Statement	Context
B3	November 17, 2020	Mark Zuckerberg, CEO of Meta	"we certainly do not design the product in [an addictive] way." ⁴⁵²	Mr. Zuckerberg made this statement before Congress in response to the question "Do you believe your product can be addictive?"
B4	March 25, 2021	Mark Zuckerberg, CEO of Meta	"...no. I don't agree with that." ⁴⁵³	Mr. Zuckerberg made this statement before Congress in response to the question "Do you agree that you make money off of creating an addiction to your platforms?"
B5	March 7, 2018	Facebook	"at no stage does wanting something to be addictive factor into [our design] process." ⁴⁵⁴	A representative from Facebook provided this statement for a BBC article in which tech leaders described Facebook as addictive. Immediately preceding this statement, the article notes that "Facebook told the BBC that its products were designed 'to bring people closer to their friends, family, and the things they care about.'"
B6	September 30, 2021	Antigone Davis, Meta's Global Head of Safety	"Respectfully, Senator that is not actually how we build our products. In fact, we made changes to our news feed to allow for more meaningful interactions, knowing that that would impact the time spent. In fact, it did impact the time spent by about 50 million hours per day. But we did it anyway because we were trying to build a positive, more positive experience." ⁴⁵⁵	Ms. Davis responded to questions from Senator Sullivan, who asked: "But isn't part of your business model to have more eye-balls for a longer amount of time engaged using your services?"

⁴⁵² *Breaking the News: Censorship, Suppression, and the 2020 Election Before S. Comm. on the Judiciary*, 116th Cong. at 57:09 (2020), <https://www.judiciary.senate.gov/committee-activity/hearings/breaking-the-news-censorship-suppression-and-the-2020-election/>; PBS NewsHour, Nov. 17, 2020, "WATCH LIVE: Facebook, Twitter CEOs testify on social media's role in 2020 election," *YouTube*, <https://www.youtube.com/watch?v=2f7YIxRoSQ&t=2601s/>.

⁴⁵³ *Disinformation Nation: Social Media's Role in Promoting Extremism and Misinformation Before H. Comm. on Communications and Technology*, 117th Cong. at p. 72 (2021), <https://www.congress.gov/117/chrg/CHRG-117hrhg46925/CHRG-117hrhg46925.pdf/>.

⁴⁵⁴ Andersson, Hilary, July 3, 2018, "Social media apps are 'deliberately' addictive to users," *BBC*, <https://www.bbc.com/news/technology-44640959>.

⁴⁵⁵ *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm Before S. Comm. on Commerce, Science, and Transportation*, 117th Cong. at p. 39 (2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf>.

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No.	Date	Speaker	Statement	Context
B7	March 31, 2021	Nick Clegg, VP of Global Affairs	“The goal is to make sure you see what you find most meaningful — not to keep you glued to your smartphone for hours on end.” ⁴⁵⁶	This statement is from a blog post on the website, <i>Medium</i> , titled “You and the Algorithm: It Takes Two to Tango,” in which Mr. Clegg rebuts recently published criticisms of Meta.

⁴⁵⁶ Clegg, Nick, Mar. 31, 2021, “You and the Algorithm: It Takes Two to Tango,” *Medium*, <https://nickclegg.medium.com/you-and-the-algorithm-it-takes-two-to-tango-7722b19aalc2>. Accessed July 14, 2025.

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213. In delivering these messages, Meta’s team frequently presents the company as moral and caring to make its messaging more convincing. Framing statements in terms of product design itself—rather than the product’s ultimate impact on users—can function to side-step questions about the platforms’ actual effects, and even bolster mischaracterizations of the platforms’ actual effects.

214. This was the case in 2020, when Mr. Zuckerberg appeared before Congress and was asked by Senator Lindsay Graham, “Mr. Zuckerberg, do you believe your products can be addictive?”⁴⁵⁷ In Statement B3, Mr. Zuckerberg side-stepped Senator Graham’s question about addictiveness by instead addressing intent in design, stating that “We certainly do not design the product in that way. We design the product to be as useful and as meaningful as possible.”⁴⁵⁸ In this instance, Mr. Zuckerberg’s response avoids the question at hand and instead directs his audience to focus on what he implies are the good intentions of Meta’s product team. The statement seems to suggest that Meta itself is not responsible for engendering addiction to its platforms, and that any such addictive behavior is unintentional, beyond its control, and unrelated to its goals. It also shifts the conversation to focus on quality- over quantity of time spent, emphasizing that Meta is focused on ensuring that its users derive meaning and other benefits from the use of its platforms.

215. When pressed further by Senator Graham about growing evidence that social media sites

⁴⁵⁷ *Breaking the News: Censorship, Suppression, and the 2020 Election Before S. Comm. on the Judiciary*, 116th Cong. at 57:16–25 (2020), <https://www.judiciary.senate.gov/committee-activity/hearings/breaking-the-news-censorship-suppression-and-the-2020-election/>; PBS NewsHour, Nov. 17, 2020, “WATCH LIVE: Facebook, Twitter CEOs testify on social media’s role in 2020 election,” *YouTube*, <https://www.youtube.com/live/5kY4etXpJhs?si=AQqn5Vqnc9WPQcG0/>. Accessed July 14, 2025.

⁴⁵⁸ *Breaking the News: Censorship, Suppression, and the 2020 Election Before S. Comm. on the Judiciary*, 116th Cong. at 57:16–25 (2020), <https://www.judiciary.senate.gov/committee-activity/hearings/breaking-the-news-censorship-suppression-and-the-2020-election/>; PBS NewsHour, Nov. 17, 2020, “WATCH LIVE: Facebook, Twitter CEOs testify on social media’s role in 2020 election,” *YouTube*, <https://www.youtube.com/live/5kY4etXpJhs?si=AQqn5Vqnc9WPQcG0/>. Accessed July 14, 2025.

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are addictive, Mr. Zuckerberg told Congress: “I don’t think the research has been conclusive, but it is an area that we care about and study. We certainly do not want our products to be addictive.”⁴⁵⁹ Here, Mr. Zuckerberg’s response shifts the focus to Meta’s purportedly good intentions—claims that the company does not *want* its platforms to be addictive—and implying that this is an issue Meta takes seriously and works hard to address.

216. In Statement B4, in a later appearance before Congress, in March 2021, Mr. Zuckerberg continued to represent Meta as a company that does not want to induce addictive use. When asked if he agreed that Meta “make[s] money off of creating an addiction to [its] platforms,”—a question fueled by an understanding of Meta’s business model that increases revenue by increasing engagement—Mr. Zuckerberg replied, “no. I don’t agree with that.”⁴⁶⁰

217. Ms. Davis also made a similar statement, Statement B6, during her appearance before Congress later that year. During that appearance, she was asked, “But isn’t part of your business model to have more eye-balls for a longer amount of time engaged using your services?”⁴⁶¹ Like Mr. Zuckerberg, Ms. Davis flatly rejected this portrayal of Meta, insisting that “that is not actually how we build our products.”⁴⁶² Ms. Davis then reframed the conversation to focus on

⁴⁵⁹ *Breaking the News: Censorship, Suppression, and the 2020 Election Before S. Comm. on the Judiciary*, 116th Cong. at 57:38–46 (2020), <https://www.judiciary.senate.gov/committee-activity/hearings/breaking-the-news-censorship-suppression-and-the-2020-election/>; PBS NewsHour, Nov. 17, 2020, “WATCH LIVE: Facebook, Twitter CEOs testify on social media’s role in 2020 election,” *YouTube*, <https://www.youtube.com/live/5kY4etXpJhs?si=AQqn5Vqnc9WPQcG0/>. Accessed July 14, 2025.

⁴⁶⁰ *Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation*, Hearing Before the Subcomm. on Communications & Technology and the Subcomm. on Consumer Prot. & Commerce of the H. Comm. on Energy & Commerce, 117th Cong. (Mar. 25, 2021), <https://www.congress.gov/event/117th-congress/house-event/111407/text/>.

⁴⁶¹ *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm Before S. Comm. on Commerce, Science, and Transportation*, 117th Cong. at p. 39 (2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf/>.

⁴⁶² *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm Before S. Comm. on Commerce, Science, and Transportation*, 117th Cong. at p. 39 (2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf/>.

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meaningful time spent on the platform, stating “In fact, we made changes to our news feed to allow for more meaningful interactions, knowing that that would impact the time spent.”⁴⁶³

According to Ms. Davis, this change “did impact the time spent by about 50 million hours per day. But we did it anyway because we were trying to build a...more positive experience.”⁴⁶⁴ Ms. Davis’s statement provides a persuasive proof point appearing to show Meta’s dedication to ensuring that its platforms are not addictive. In a similar fashion to the statements about priorities above,⁴⁶⁵ Ms. Davis suggests that Meta is so committed to protecting users from addiction that it is willing to sacrifice engagement significantly.

218. These messages to Congress appear to be part of a broader drumbeat strategy that guides Meta’s communications regarding addiction. Years earlier, Meta issued a similar statement, Statement B5, in response to a 2018 *BBC* article on the addictive nature of social media apps, which featured commentary from Silicon Valley insiders claiming that platforms like Facebook were designed to be deliberately addictive.⁴⁶⁶ Perhaps most prominently, the article included comments from former Facebook President Sean Parker at a 2017 *Axios* event, in which he claimed that Facebook was consciously designed to “[exploit] a vulnerability in human psychology” and to “consume as much of your time and conscious attention as possible.”⁴⁶⁷ In

⁴⁶³ *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm Before S. Comm. on Commerce, Science, and Transportation*, 117th Cong. at p. 39 (2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf/>.

⁴⁶⁴ *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm Before S. Comm. on Commerce, Science, and Transportation*, 117th Cong. at p. 39 (2021), <https://www.congress.gov/117/chrg/CHRG-117shrg53125/CHRG-117shrg53125.pdf/>.

⁴⁶⁵ See Section X.A.

⁴⁶⁶ Andersson, Hilary, July 3, 2018, “Social media apps are ‘deliberately’ addictive to users,” *BBC*, <https://www.bbc.com/news/technology-44640959>.

⁴⁶⁷ Solon, Olivia, Nov. 9, 2017, “Ex-Facebook president Sean Parker: site made to exploit human ‘vulnerability,’” *The Guardian*, <https://www.theguardian.com/technology/2017/nov/09/facebook-sean-parker-vulnerability-brain-psychology>; Allen, Mike, Nov. 9, 2017, “Sean Parker unloads on Facebook: ‘God only knows what it’s doing to our children’s brains,’” *Axios*, <https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792>; Pandey, Erica,

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responding to the claims made in the *BBC* article, a spokesperson for Facebook denied the allegations, stating that “at no stage does wanting something to be addictive factor into” the design process for its products.⁴⁶⁸

219. Mr. Clegg also perpetuated these claims about product design in Statement B7, which appeared in a public-facing blog post on the site *Medium* explaining Facebook’s algorithm to a general audience. In this post, titled “You and The Algorithm: It Takes Two to Tango,” Mr. Clegg appears to be receptive to many of the criticisms levied against social media platforms, acknowledging that simply brushing aside concerns about the algorithm is a mistake, and that “Companies like Facebook need to be frank about how the relationship between you [i.e., the general public] and their major algorithms really works. And they need to give you more control.”⁴⁶⁹ These statements imply that Meta cares about the consumer’s interests and lend credence to the statement Mr. Clegg makes later in the post about the algorithm, namely that “The goal [of the algorithm] is to make sure you see what you find most meaningful—not to keep you glued to your smartphone for hours on end.”⁴⁷⁰ As with the statements before, Mr. Clegg portrays Meta as a company whose “goal” was not for its products to be addictive.

220. In summary, a reasonable consumer would understand from the above statements that Meta did not design its products to be addictive in the broad, lay sense of the word, nor had

Nov. 9, 2017, “Sean Parker: Facebook was designed to exploit human ‘vulnerability,’” *Axios*, <https://www.axios.com/2017/12/15/sean-parker-facebook-was-designed-to-exploit-human-vulnerability-1513306782>.

⁴⁶⁸ Andersson, Hilary, July 3, 2018, “Social media apps are ‘deliberately’ addictive to users,” *BBC*, <https://www.bbc.com/news/technology-44640959>.

⁴⁶⁹ Clegg, Nick, Mar. 31, 2021, “You and the Algorithm: It Takes Two to Tango,” *Medium*, <https://nickclegg.medium.com/you-and-the-algorithm-it-takes-two-to-tango-7722b19aa1c2>. Accessed July 14, 2025.

⁴⁷⁰ Clegg, Nick, Mar. 31, 2021, “You and the Algorithm: It Takes Two to Tango,” *Medium*, <https://nickclegg.medium.com/you-and-the-algorithm-it-takes-two-to-tango-7722b19aa1c2>. Accessed July 14, 2025.

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knowledge that its platform design operates to addict young users. As discussed below, in paragraphs 231-232, I have assumed that Meta did design its products to be addictive in the broad, lay sense of the word, and despite having knowledge that its platform design operates to addict young users, Meta did not take any actions to change its design to address such fact. I also reviewed internal documents that support the same conclusions. Therefore, my opinion is that the above statements have a tendency to mislead.

iv. Analysis of individual statements: *Tools*

221. As indicated by several of the statements discussed above, Meta's communications strategy has routinely involved mentioning tools purportedly intended to curb addictive use. The company has referenced these tools both generally and specifically as proof points to support its claims about product design.

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Table 6. Meta's statements discussing platform features as proof points to support its statements that its platforms are not addictive

No.	Date	Speaker	Statement	Context
B8	November 5, 2021	Pratiti Raychoudhury, Vice President, Head of Research	"We've built tools and controls to help people manage when and how they use our services. Furthermore, we have a dedicated team working across our platforms to better understand these issues and ensure people are using our apps in ways that are meaningful to them." ⁴⁷¹	Included in a Meta blogpost titled "The WSJ Report Ignores Our Approach to Well-Being Research."
B9	June 27, 2023	Instagram	"We want teens to feel good about the time they spend on our apps, which is why we've built features like Take a Break on Instagram. Soon, teens will also see a notification when they've spent 20 minutes on Facebook, prompting them to take time away from the app and set daily time limits. We're also exploring a new nudge on Instagram that suggests teens close the app if they are scrolling Reels at night." ⁴⁷²	From a Meta blog post titled, "Giving Teens and Parents More Ways to Manage Their Time on Our Apps."

⁴⁷¹ Raychoudhury, Pratiti, Nov. 5, 2021, "The WSJ Report Ignores Our Approach to Well-Being Research," *Meta*, <https://about.fb.com/news/2021/11/wsj-report-ignores-our-approach-to-well-being-research/>. Accessed July 14, 2025.

⁴⁷² Raychoudhury, Pratiti, June 27, 2023, "Parental Supervision and Teen Time Management on Meta's Apps," *Meta*, <https://about.fb.com/news/2023/06/parental-supervision-and-teen-time-management-on-metas-apps/>. Accessed July 14, 2025.

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222. In Statement B8, Ms. Raychoudhury referenced use-reduction tools in a blog post where she addressed criticisms of Meta published in *The Wall Street Journal*. First, Ms. Raychoudhury countered *The Wall Street Journal*'s reporting about addiction to Meta's platforms by drawing a distinction between addiction and "problematic use," the term that Meta used in much of its research to describe compulsive and habitual use on the platform.⁴⁷³ In this post, Ms. Raychoudhury wrote that "[p]roblematic use does not equal addiction. Problematic use has been used to describe people's relationship with lots of technologies, like TVs and smartphones."⁴⁷⁴ Ms. Raychoudhury's post addresses consumers' concerns about the extent to which users are spending excessive time on Meta's platforms. The fact that she explicitly labels this issue as "problematic use" and distinguishes it from "addiction," in the context of this post, underscores that, in general, a reasonable consumer is likely to think of these concepts interchangeably unless explicitly instructed to consider the terms independently. Having signaled that "problematic use" is her preferred label, Ms. Raychoudhury then referenced tools developed by Meta to curb problematic use: "We've built tools and controls to help people manage when and how they use our services. Furthermore, we have a dedicated team working across our platforms to better understand these issues and ensure people are using our apps in ways that are meaningful to them."⁴⁷⁵ Statement B8 signals that Meta's platforms do not pose a unique danger when it comes to problematic, compulsive, or addictive use, and that its tools effectively help users avoid these habits.

⁴⁷³ See Consumer Understanding and Consumer Deception subsections immediately below this subsection.

⁴⁷⁴ Raychoudhury, Pratiti, Nov. 5, 2021, "The WSJ Report Ignores Our Approach to Well-Being Research," *Meta*, <https://about.fb.com/news/2021/11/wsj-report-ignores-our-approach-to-well-being-research/>. Accessed July 14, 2025.

⁴⁷⁵ Raychoudhury, Pratiti, Nov. 5, 2021, "The WSJ Report Ignores Our Approach to Well-Being Research," *Meta*, <https://about.fb.com/news/2021/11/wsj-report-ignores-our-approach-to-well-being-research/>. Accessed July 14, 2025.

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223. These tools were also referenced in a June 2023 Instagram blog post. The post included the following statement, Statement B9:

We want teens to feel good about the time they spend on our apps, which is why we've built features like Take a Break on Instagram. Soon, teens will also see a notification when they've spent 20 minutes on Facebook, prompting them to take time away from the app and set daily time limits. We're also exploring a new nudge on Instagram that suggests teens close the app if they are scrolling Reels at night.⁴⁷⁶

224. As with Statement B8, Statement B9 suggests that Meta has developed robust safety features that effectively prevent users from becoming addicted (in the broad, lay sense of the word) to its platforms. Similarly, Meta publicized the Take a Break tool when it was first launched on December 7, 2021, describing it in a blog post announcement as “empower[ing] people to make informed decisions about how they’re spending their time.”⁴⁷⁷ In this post, Meta also touted promising early test results that indicated that 90% of teen users kept Take a Break reminders on once they had set them.⁴⁷⁸ And in August 2018, Meta publicized the launch of a “Daily Reminder” tool, describing it as a “collaboration and inspiration from leading mental health experts and organizations, academics, our own extensive research and feedback from our community” that will drive the effort to “give people more control over the time they spend on our platforms.”⁴⁷⁹ Similarly, in September 2024, Meta promoted teen accounts. Adam Mosseri described those accounts by stating, “They’re an automatic set of protections for teens that try to

⁴⁷⁶ June 27, 2023, “Giving Teens and Parents More Ways to Manage Their Time on Our Apps,” *Meta*, <https://about.fb.com/news/2023/06/parental-supervision-and-teen-time-management-on-metas-apps/>. Accessed July 14, 2025.

⁴⁷⁷ Mosseri, Adam, Dec. 7, 2021, “Raising the Standard for Protecting Teens and Supporting Parents Online,” *Meta*, <https://about.fb.com/news/2021/12/new-teen-safety-tools-on-instagram/>. Accessed July 14, 2025.

⁴⁷⁸ Mosseri, Adam, Dec. 7, 2021, “Raising the Standard for Protecting Teens and Supporting Parents Online,” *Meta*, <https://about.fb.com/news/2021/12/new-teen-safety-tools-on-instagram/>. Accessed July 14, 2025.

⁴⁷⁹ Ranadive, Ameet, & Ginsberg, David, Aug. 1, 2018, “New Tools to Manage Your Time on Facebook and Instagram,” <https://about.fb.com/news/2018/08/manage-your-time/>. Accessed July 14, 2025.

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proactively address the top concerns that we've heard from parents about teens online.”⁴⁸⁰ Teen accounts included “Time limit reminders,” a feature turned on by default for teens “to address parents’ biggest concerns, including ... whether their [teens’] time is being well spent.”⁴⁸¹ These statements present these features as expertly and carefully designed to prevent addictive use among users.

225. In summary, a reasonable consumer would expect from the above statements that the features that Meta referred to were effective at curbing addictive use. As discussed below, in paragraphs 231-232, I have assumed that these features were not effective at curbing addictive use, and also reviewed internal documents that support the same conclusion. Therefore, my opinion is that the above statements have a tendency to mislead.

v. Evaluation of consumer understanding

226. These statements across the three identified categories—those in which Meta stated its products were not addictive, those in which Meta stated its products were not designed to be addictive, and those in which Meta indicated that its tools are effective at curbing addictive use—convey to consumers that Meta’s platforms are neither designed to be, nor are they in practice, addictive.

227. As discussed above, consumers assume that corporate communications are intended to inform and will therefore avoid misleading language.⁴⁸² The term at the heart of this issue, “addiction,” carries both an ordinary, colloquial meaning, as well as a technical definition used

⁴⁸⁰ Kindelan, Katie, Sept. 17, 2024, “Instagram introduces mandatory 'Teen Accounts' with built-in limits, parental controls,” *GoodMorningAmerica.com* <https://www.goodmorningamerica.com/family/story/instagram-introduces-teen-accounts-113734038>.

⁴⁸¹ Ranadive, Ameet, & Ginsberg, David, Aug. 1, 2018, “New Tools to Manage Your Time on Facebook and Instagram,” <https://about.fb.com/news/2024/09/instagram-teen-accounts/>. Accessed July 28, 2025.

⁴⁸² Fiske, A. P. (1991), *Structures of social life: The four elementary forms of human relations: Communal sharing, authority ranking, equality matching, market pricing*, Free Press.

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in clinical settings. However, in Meta’s Statements B1 through B5, it simply uses or responds to the term “addiction” without ascribing a narrow, clinical meaning to the term. As a result, for the reasons discussed in X.B.i, consumers are likely to interpret the term “addiction” with the broad, lay meaning, not the narrow, clinical meaning. Moreover, given that broad interpretation of “addiction,” consumers are also likely to understand Meta’s statements to convey that the company did not otherwise have internal awareness that its platforms were associated with “problematic use” or “dependence” or with any of the other synonyms for “addiction,” interpreted in the broad sense, identified above.

228. Consumers also tend to assume that corporate communications are complete and contain no relevant omissions.⁴⁸³ Given the immense public interest in social media addiction, consumers will assume that Meta’s statements on addiction convey all of Meta’s internal knowledge on social media addiction. As such, when Meta referred to research that portrayed its products as not addictive (Statement B1), or when Meta stated that research on addiction was inconclusive (context for Statement B3, see paragraph 215), a consumer could have reasonably assumed that that was all of the relevant information available to Meta on the topic and that the company was not aware of any inconsistent information that suggested otherwise.

229. Further, as described in the section above, consumers have a limited capacity to assess the decisions a company has made about product design based on the final product itself, and even with access to external viewpoints about the product, because they do not have access to the internal information that Meta had. As such, statements about Meta’s design process (Statements B3 to B7) are difficult for consumers to evaluate, weigh, and act upon. This is particularly true

⁴⁸³ Fiske, A.P. (1991), *Structures of social life: The four elementary forms of human relations: Communal sharing, authority ranking, equality matching, market pricing*, Free Press.

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given that Meta's platforms are credence goods, and consumers cannot independently identify whether product features have or have not been shaped by specific design intentions.⁴⁸⁴ Given this difficulty, and given the absence of internal sources of information, consumers are unable to dispute Meta's statements that it did not design its products to be addictive.

230. Finally, Meta's use of drumbeat messaging is likely to increase the perceived validity of its narrative.⁴⁸⁵ The company's drumbeat strategy focused on product changes and well-being tools which served as proof points supporting the claim that Meta is working to meaningfully reduce the prevalence of addictive use.

vi. Examination of assumptions underpinning consumer deception

231. In evaluating whether Statements B1-B9 have a tendency to mislead, counsel has asked me to assume:

- a. That Meta designed its products to be, and knew that its products were, addictive in the broad, lay sense of the word; and
- b. That features that Meta referred to when refuting that their products were addictive, or designed to be addictive, were internally known to be ineffective at curbing addictive use.

232. As with other sections of this report, I have assessed many of Meta's internal documents to understand the basis of these assumptions and to further contrast Meta's external statements with its internal knowledge. Given the difference between what Meta knew or discussed

⁴⁸⁴ Darby, M. R., & Karni, E. (1973), "Free competition and the optimal amount of fraud." *The Journal of Law & Economics*, 16(1), 67–88. See section VI.C on why social media is a credence good.

⁴⁸⁵ See, e.g., York, Kyle, Feb. 19, 2020, "Drumbeat Marketing: Tell your story so much that you annoy yourself," *How Brands Are Built*, <https://howbrandsarebuilt.com/drumbeat-marketing-tell-your-story-so-much-that-you-annoy-yourself/>; Udry, J., & Barber, S. J. (2023), "The illusory truth effect: A review of how repetition increases belief in misinformation," *Current Opinion in Psychology*, 56:101736; Hassan, A., & Barber, S. J. (2021), "The effects of repetition frequency on the illusory truth effect," *Cognitive Research: Principles and Implications*, 6(38):1-12; Fazio, L. K. et al. (2015), "Knowledge does not protect against illusory truth," *Journal of Experimental Psychology: General*, 144(5):993-1002; Pennycook, G., Cannon, T. D., & Rand, D. G. (2018), "Prior exposure increases perceived accuracy of fake news," *Journal of Experimental Psychology: General*, 147(12):1865-1880.

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internally, and what it communicated externally, Statements B1-B9 have a tendency to mislead consumers.

a. Internal evidence of addictiveness in the lay sense of the word

233. As a preliminary matter, the information contained in Meta’s internal documents is consistent with my opinion that consumers attribute a broad, lay meaning to the term “addiction.” Those documents indicate that Meta has used the term “problematic use” interchangeably with “addiction.”⁴⁸⁶ In particular, it appears that “problematic use” replaced the use of the term “addictive use” internally within Meta at some point, as demonstrated by a 2020 email written by [REDACTED], a research scientist at Meta.⁴⁸⁷ In this email, Ms. [REDACTED] wrote, “Problematic use (formerly referred to as, ‘Addictive use’).”⁴⁸⁸

234. Furthermore, Meta’s internal use of “problematic use” is strikingly similar to the broad, lay understanding of addiction. For example, a 2022 internal literature review on consumer

⁴⁸⁶ See, e.g., META3047MDL-003-00145472 (an internal e-mail noting that the company “continue[s] to face external scrutiny on Facebook and Instagram’s impact on well being, especially around areas of problematic use/addiction and teens”); META3047MDL-014-00155983, “Strengths, Weaknesses, Opportunities, Goals for Safety and Well-Being,” 2018, at 987 (internal document outlining a strategic goal for H1 2019 as “Move ‘tech addiction’ debate to ‘problematic use’ discussion focused on how to identify it, its low prevalence, guidance and resources.”); Deposition of Karina Newton, February 27, 2025, Exhibit 31 at 1 (internal e-mail in which Ms. Newton states: “For policy POV background, the time spent dash + end of feed notification is the biggest proof point we have on tech addiction/problematic use...”); Deposition of Jennifer Guadagno, PhD, November 14, 2024, Exhibit 21 (an internal literature review on Facebook addiction in which the author states: “I’ll use ‘addiction’ as a brief term for this spectrum of problematic use of Facebook, but it’s not clear that addiction is the correct term. We may want to adopt a more generic term going forward.”); META3047MDL-034-00493009, “Re: Materials & kicking off this email for updates,” February 3, 2018 (an email thread discussing the company’s narrative around well-being that states: “Social media addiction is a closely related issue. There is very little consensus on the underlying facts or even a definition of what may constitute addiction or problematic use...”); META3047MDL-040-00353449, “FW: Facebook Well-being Research on ‘Problematic Use’” March 25, 2020 (an internal email from Meta employee Mariah Levitt to Meta employee Kenzie Snyder that states: “As per your request, here are links to PDF versions of my work for Facebook the last 8 months on Problematic Use (or what many might call ‘social media addiction’)”).

⁴⁸⁷ META3047MDL-014-00377348, “Re: Define and Measure our Impact on Well-being: 2020 recap and update [1/5/20]” February 19, 2021, at 353.

⁴⁸⁸ META3047MDL-014-00377348, “Re: Define and Measure our Impact on Well-being: 2020 recap and update [1/5/20]” February 19, 2021, at 353.

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perceptions of Facebook includes a definition of “problematic use” as: “having serious problems with sleep, work, or relationships that a user attributes to Facebook - and concerns with/preoccupations about how they use Facebook (e.g., a lack of control or a persistent fear of missing out).”⁴⁸⁹ This definition incorporates two core features of addiction, namely an erosion of self-control and the experience of associated harms.⁴⁹⁰

235. Internal documents also indicate that Meta staff engaged in deliberate self-censoring when it came to the use of the term “addiction,” in order to avoid negative connotations.⁴⁹¹ However, the fact that Meta tried to avoid using the term “addiction” would not change a reasonable consumer’s perception that “addiction” has a broad, lay meaning, absent Meta signaling to the consumer that it attributed a narrow, clinical meaning to the term. Meta was aware that teens used the very language of addiction themselves when describing their

⁴⁸⁹ META3047MDL-047-00068518, “Literature Review: Understanding Consumer Perception of Facebook App Integrity and Privacy,” August 2022, at 550; *see also* META3047MDL-031-00137080, “Mental Health 2021: Risks, opportunities and future investments,” September 29, 2020, at 111; Deposition of Charles Sismondo, October 16, 2024, Exhibit 5; *See also* META3047MDL-003-00089141, “Well-being Research 10,000 Foot View,” March 6, 2019, at 142.

⁴⁹⁰ META3047MDL-113-00003044, “Problematic Use Major Concepts”; META3047MDL-019-00004797, “[WIP What we Know About Social Media Problematic Use;” META3047MDL-040-00210633, “Re: CDS-Policy Pre-read,” September 25, 2020; *see also* META3047MDL-020-00005380, “Problematic Use Overview: Past Product Investment and Future Opportunities,” October 2020; Deposition of Kang-Xing Jin, November 8, 2024, Exhibit 35 at 1; Alter, A. L. (2017), *Irresistible: The rise of addictive technology and the business of keeping us hooked*, Penguin Press.

⁴⁹¹ *See, e.g.*, Deposition of Wendy Gross, PhD, January 28, 2025, Exhibit 13; META3047MDL-047-01295269, “Message summary [{“otherUserFbld”:100024117786743,“threadFbld”:null}]” Moira Burke, April 19, 2018; Deposition of Arturo Béjar, April 7, 2024, at 135:20-138:25; Deposition of Kristin Hendrix, January 22, 2025, Exhibit 49 at 4; Deposition of Elena Davis, March 5, 2025, Exhibit 3 at 1-2, Exhibit 11 at 1, Exhibit 10 at 1-2, Exhibit 14 at 2; Deposition of Justin Cheng, March 13, 2025, 22:20-23:16, 251:10-13, 253:21-254:19, 256:11-257:24, 500:11-501:12, 546:21-547:21, Exhibit 36 at 1-2, Exhibit 30 at 1-4; Deposition of Jennifer Guadagno, PhD, November 14, 2024, Exhibit 21, Exhibit 23 at 1-5; Deposition of Kang-Xing Jin, November 8, 2024, Exhibit 35; Deposition of Pratiti Raychoudhury, December 12, 2024, Exhibit 30 at 48; META3047MDL-003-00002225, “The WSJ Report Ignores Our Approach to Well-Being Research,” November 5, 2021; META3047MDL-004-00006491, “Re: Intros,” February 22, 2018; META3047MDL-004-00006497, “Sandberg/Steyer Conversation”; META3047MDL-004-00006548, “Brief – Steyer”; META3047MDL-005-00000001, “‘Addiction’ to Facebook: A Literature Review,” Oct. 3, 2017; META3047MDL-020-00005380, “Problematic Use Overview,” Oct. 2020; META3047MDL-044-00108564–8581, “‘Addiction/Problematic Use Design Audit Plan [WIP],” Aug. 2018; META3047MDL-113-00003042, “FB ‘Addiction’ and related concepts”; META3047MDL-113-00003044, “Problematic Use major concepts.”

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relationship to Instagram.⁴⁹² For instance, research commissioned by Meta in 2019 found that teens have an “addict’s narrative” about their Instagram use.⁴⁹³

236. Meta possessed, as of at least 2018, internal information and research indicating that its Instagram platform operates to be addictive and/or induced problematic use consistent with addiction. For instance, research commissioned and received from third parties demonstrated that Meta’s platforms have contributed to addictive use among teens. For example, results from a 2018 well-being survey commissioned by Meta included the finding that teens “feel addicted to IG” and that “like addicts, [teens] feel that they are unable to stop themselves from being on IG.”⁴⁹⁴ Other third-party research commissioned by Meta also concluded that app addiction was common among teenagers on Instagram,⁴⁹⁵ reporting, for example, that 36% of girls between the ages of 16 and 18 years, and 26% of girls between the ages of 13 and 15 years felt they spent too much time on the app.⁴⁹⁶ And in internal research on “problematic use,” Meta found that 31% of U.S. Facebook users fit the description, and that people who experience “problematic use” are more likely to be younger.⁴⁹⁷

b. Internal evidence of Meta’s knowledge that its platform design psychologically manipulates young users and induces addictive use

237. In addition, evidence from Meta’s internal documents indicate that Meta regularly considered how it does or could exploit human psychology—specifically teenage psychology—

⁴⁹² Deposition of Wendy Gross, PhD, January 28, 2025, 143:1-145:9, Exhibit 13.

⁴⁹³ Deposition of Wendy Gross, PhD, January 28, 2025, Exhibit 9 at 8.

⁴⁹⁴ Deposition of Wendy Gross, PhD, January 28, 2025, Gross Exhibit 13

⁴⁹⁵ Deposition of Wendy Gross, PhD, January 28, 2025, 48:4-55:18.

⁴⁹⁶ Deposition of Wendy Gross, PhD, January 28, 2025, 60:4-14, Exhibit 6 at 37, 51.

⁴⁹⁷ META3047MDL-047-00068518, “Literature Review: Understanding Consumer Perception of Facebook App Integrity and Privacy,” August 2022, at 550.

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to maximize engagement on its platforms.

238. By the end of 2018, Meta not only knew the “Known Negative Effects of FB and/or Social Media in General on Teens”—including increased screen time and sleep issues, social pressures, body image concerns, fear of missing out (“FoMo”), depression, isolation, and anxiety—and lacked “a robust program, set of products, or research study that demonstrate[d its] commitment to well-being,” but also had designed products that exploited human psychology.⁴⁹⁸ In an internal document titled “Youth Empathy Framing,” with respect to “Concerns Related to Wellbeing,” Meta researchers wrote:

Product features that are designed to exploit insecurity, or provide a dopamine rush (likes, notification, the pull-down-to-see, the infinite scroll, etc), to increase time spent, are inherently at odds with well-being and take away from people's ability to consciously focusing on activities that add value to their lives.

Because our product exploits weaknesses in the human psychology to promote product engagement and time spent [and that because of our reliance on AI, we cannot currently control for when content is being strategically leveraged to manipulate the opinions and moods of individual people] if we are committed to the wellbeing of individuals, we need to **a) to alert people to the effect that the product has on their brain** (for example: your view of yourself is affected by other people's highlight reel, etc) and **b) provide them with tools to have more control over their own experience.** [emphasis in original]⁴⁹⁹

239. In a May 2020 slide deck prepared by Ms. Jimenez, titled “Teen Fundamentals,” outlined the company’s research into adolescent development and neuroscience with the aim of adapting

⁴⁹⁸ Deposition of Shayli Jimenez, February 11, 2025, Exhibit 16 at 818, 826; Deposition of Mark Zuckerberg, March 27, 2025, Exhibit 6 at 818, 826; META3047MDL-034-00429898, “H1 2019 Global Integrate Plan: Safety & Well-Being,” 2018, at 918, 919; Deposition of Antigone Davis, March 4, 2025, Exhibit 27A at 2-3, Ex. 76 at 2-3.

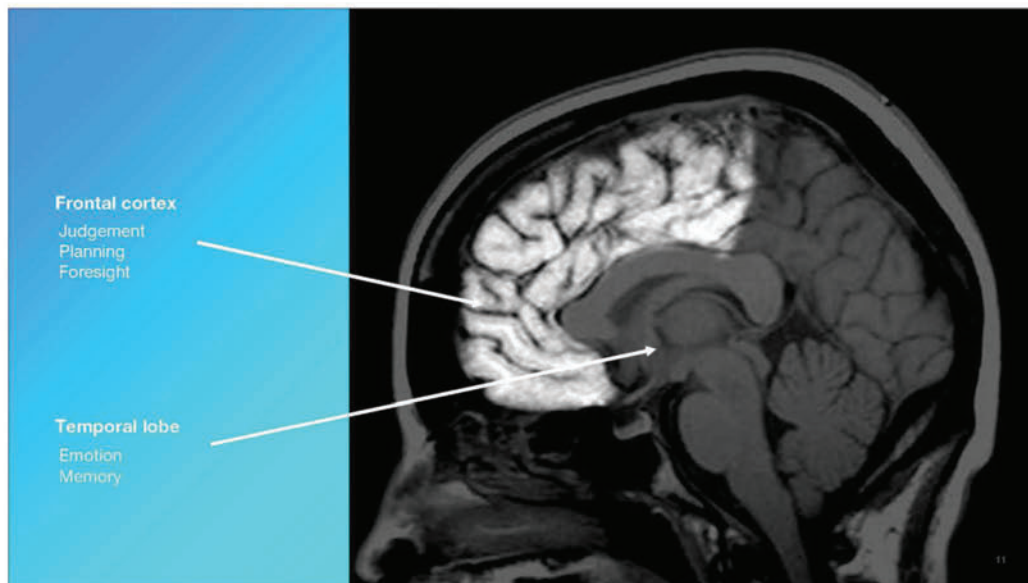
⁴⁹⁹ Deposition of Shayli Jimenez, February 11, 2025, Exhibit 16 at 10; Deposition of Mark Zuckerberg, March 27, 2025, Exhibit 6 at 826.

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Instagram to take advantage of teens' unique psychology.⁵⁰⁰ This deck constituted the first phase of four aimed at deepening Meta's understanding of teen users and developing a program to keep up with trends and market shifts among teens in the long run.⁵⁰¹ It began by describing and displaying the biology of the teenage brain, as seen in Figure 8 below, noting that:

The teenage brain is usually about 80% mature...At this time teens are highly dependent on their temporal lobe where emotions, memory and learning, and the reward system reign supreme.⁵⁰²

Figure 8. "Teen Fundamentals" Slide Showing a Teenage Brain⁵⁰³



The teenage brain is usually about 80% mature. The remaining 20% rests in the frontal cortex - the area of the brain responsible for...At this time teens are highly dependent on their temporal lobe where emotions, memory and learning, and the reward system reign supreme.

240. After outlining these features of teenage neurobiology, the presentation moved to a discussion of behavior, asking rhetorically, "So, now that we know this - what is the effect of

⁵⁰⁰ META3047MDL-003-00132740, "Teen Fundamentals," May 2020.

⁵⁰¹ META3047MDL-003-00132740, "Teen Fundamentals," May 2020, at 741.

⁵⁰² META3047MDL-003-00132740, "Teen Fundamentals," May 2020, at 750.

⁵⁰³ META3047MDL-003-00132740, "Teen Fundamentals," May 2020, at 750.

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teen’s biology on their behavior? and how does this manifest itself in product usage?”⁵⁰⁴ It went on to describe teens as “insatiable when it comes to ‘feel good’ dopamine effects,”⁵⁰⁵ with this insatiability contributing to a “persistent quest to discover new means of stimulation.”⁵⁰⁶ The presentation also made clear that such persistence contributes to user engagement on Meta’s platform itself, noting that teens’ sensitivity to dopamine is “one of the reasons that the risk of drug addiction is higher for adolescents and keeps them scrolling and scrolling.”⁵⁰⁷

241. With this knowledge of teens’ psychological vulnerabilities in mind, the “Teen Fundamentals” presentation went on to describe how Meta’s platforms are designed to exploit those vulnerabilities. The presentation explained that those features included Instagram’s capacity to provide teens with “something new and novel,” noting that “much like our big bro FB, IG has a pretty good hold on the serendipitous aspect of discovery through our Explore surface, recommendations and social graph. And every time one of our teen users finds something unexpected their brains deliver them a dopamine hit.”⁵⁰⁸ It also observed that “[a]pproval and acceptance are huge rewards for teens and interactions are the currency on IG. DMs, notifications, comments, follows, likes, etc. encourage teens to continue engaging and keep coming back to the app.”⁵⁰⁹

242. Finally, towards the end of the presentation, Meta employees were asked to consider how they could incorporate an awareness of teen psychology into their work, specifically with respect to the design of Instagram:

...I want to remind you all once more of the core things that make teens tick. New

⁵⁰⁴ META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 752.

⁵⁰⁵ META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 762.

⁵⁰⁶ META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 766.

⁵⁰⁷ META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 787.

⁵⁰⁸ META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 761.

⁵⁰⁹ META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 793.

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things, feeling good and reward. We are not quite checking all of these boxes... [w]e do well to think hard about how we can make IG an app tailored to the teenage mindset.⁵¹⁰

243. This presentation was cited by senior leadership at Meta (including Adam Mosseri) and distributed to various Instagram leads and product teams.⁵¹¹

244. Around the same time, Ms. Jimenez herself discussed the addictive nature of Instagram with UX researchers in a September 10, 2020, chat where Ms. Jimenez stated, “oh my gosh yall IG is a drug,” and one researcher replied, “We’re basically pushers.”⁵¹² Ms. Jimenez also stated that Meta was “causing Reward Deficit Disorder bc people are binging on IG so much they can't feel reward anymore...like their reward tolerance is so high”; that she knew “Adam doesn't want to hear it - he freaked out when I talked about dopamine in my teen fundamentals leads review but its [sic] undeniable[]”; that “[i]ts [sic] biological and psychological”; that “most of the time it isn’t” productive to be on Instagram because “the majority [of the experience] is just mindless scrolling and ads . . . and superficial interactions”; and that she was “pretty sure not all the people unsatisfied with IG have churned - theres [sic] prob more people stuck in the habit loop than not.”⁵¹³

245. The UX researchers agreed throughout the chat, with one stating that it was “kind of scary” when Ms. Jimenez made “that gambling reference”; that “[s]imilar to slot machines, many apps implement a reward pattern optimized to keep you engaged as much as possible”; that “the nature of capitalism and endless growth sort of fuels it”; and that “the top down directives drive

⁵¹⁰ META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 795, 797.

⁵¹¹ See, e.g., Deposition of Shayli Jimenez, February 11, 2025, 81:3-82:5; 209:6-210:14; 116:19-118:21; 188:23-189:3; Exhibits 27-28; 82:17-91:17; Exhibit 6; 46:1-49:25, 55:18-57:25; Exhibit 4; META3047MDL-003-00132740, “Teen Fundamentals,” May 2020, at 766.

⁵¹² Deposition of Shayli Jimenez, February 11, 2025, Exhibit 17; 266:12–293:19.

⁵¹³ Deposition of Shayli Jimenez, February 11, 2025, Exhibit 17.

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it all towards making sure people keep coming back for more.”⁵¹⁴

246. Several other internal documents indicate that Meta not only intentionally designed its products to maximize teen engagement,⁵¹⁵ but that Meta was aware that its intentional design choices had a negative impact on teens.⁵¹⁶ For instance, Facebook researcher [REDACTED] observed in an internal chat that Meta “literally optimize[s] Teen feeds for engagement,” and “it seems to genuinely be the case that optimizing for sessions just naturally distributes more harm to teenagers. . . it’s been too consistent over time.”⁵¹⁷

247. Furthermore, despite knowing that various features (such as infinite scroll, autoplay, and ephemerality) lead or are linked to a plethora of mental health issues, including loss of control,⁵¹⁸ Meta also implemented goals related to users’ time spent on the platform for each of 2014 through 2026.⁵¹⁹ As shown in IG Goal Map H2 2022 and IG Goal Map H2 2022 v2, one of the

⁵¹⁴ Deposition of Shayli Jimenez, February 11, 2025, Exhibit 17.

⁵¹⁵ META3047MDL-047-00706686, “Message summary [{“otherUserFbld”:100028925479616,“threadFbld”:null}]” [REDACTED], October 26, 2023, (“basically the company position is that time spent and engagement metrics proxy user value and we are ‘not’ just tuning the algorithm to keep people scrolling as much and as long as possible...except mechanically, we absolutely do . . . So really, the algorithm is absolutely tuned to maximize engagement in a maximally empirical, principle-less way.”)

⁵¹⁶ See, e.g., META3047MDL-022-00025511, “Message summary [{“otherUserFbld”:100028925479616,“threadFbld”:null}]” [REDACTED], August 22, 2023; Deposition of Tom Cunningham, March 7, 2025, at 122:3-22; META3047MDL-072-00032552, “Message summary [{“otherUserFbld”:10002147842088,“threadFbld”:null}]” [REDACTED], October 25, 2023; META3047MDL-046-00328644, “Message summary [{“otherUserFbld”:100028925479616,“threadFbld”:null}]” [REDACTED], October 24, 2023.

⁵¹⁷ META3047MDL-072-00032552, “Message summary [{“otherUserFbld”:10002147842088,“threadFbld”:null}]” [REDACTED], October 25, 2023; see also META3047MDL-020-00342152, “Message summary [{“otherUserFbld”:null,“threadFbld”:3504757539554103}]” [REDACTED], September 10, 2020 (“I think all of us (employees) work tirelessly to make our products a positive experience for people but the top down directives drive it all towards making sure people keep coming back for more.”).

⁵¹⁸ See, e.g., META3047MDL-040-00049019, “Mental Well-being Strategy,” March 18, 2021, at 031; META3047MDL-163-00004745, “PU Pod: Roadmap Revisit,” March 2023, at 762; Deposition of Mark Zuckerberg, March 27, 2025, Exhibit 31; META3047MDL-044-00108564, “‘Addiction’/Problematic Use Design Audit Plan [WIP]” 2018, at 58.

⁵¹⁹ Deposition of Mark Zuckerberg, March 27, 2025, at 171:17-22, 194:9-18, Exhibits 23–28; META3047MDL-014-00305741, “Re: Teens and News Feed Alignment,” November 9, 2016.

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“topline IG goal metrics,” which did not include any metric on well-being and to which “[e]verything else[] rolls up,” was sessions—“the topline goal for engagement” with “Time Spent” and “Watch Time” as the “North Star”—and “the only thing that matter[ed was] improving the topline metrics,” meaning that time spent remained a topline or critical goal, and well-being metrics or efforts were designed so they did not diminish metrics that included time spent, “xAU (teen and genpop), sessions, revenue, reels producer PR, paid creators[,]” Overall Impressions, and/or “other higher-order” metrics.⁵²⁰ All of these documents indicate that, when Antigone Davis was asked by a Senator, “But isn’t part of your business model to have more eye-balls for a longer amount of time engaged using your services?”, her response that “that is not actually how we build our products” was false (see Statement B6). About six months before Ms. Davis made Statement B6, Mark Zuckerberg had made similar, even more explicit claims that “I don’t give our News Feed team or our Instagram team goals around increasing the amount of time that people spend,” and that it is a “common misconception that our teams - our goals, or even have goals [sic], of trying to increase the amount of time that people spend.”⁵²¹ Mr. Zuckerberg denied multiple times in Congressional testimony that Meta expressly set goals for how much time people spend on the platform.⁵²² These claims also appear to contradict Meta’s internal documents demonstrating that the company set goals with respect to “time spent” metrics for each of 2014 through 2026.⁵²³

⁵²⁰ META3047MDL-050-00272136, “IG Goal Map H2 2022,” 2022; META3047MDL-047-01209007, “IG Goal Map H2 2022,” 2022; META3047MDL-050-00267998, “IG Goal Map H2 2022 v2,” 2022; META3047MDL-047-01209013, “IG Goal Map H2 2022 v2,” 2022

⁵²¹ *Disinformation Nation: Social Media's Role in Promoting Extremism and Misinformation Before H. Comm. on Communications and Technology*, 117th Cong. at p. 56 (2021), <https://www.congress.gov/117/chr/CHRG-117hhr/46925/CHRG-117hhr/46925.pdf>.

⁵²² Deposition of Mark Zuckerberg, March 27, 2025, at 171:12-16.

⁵²³ Deposition of Mark Zuckerberg, March 27, 2025, at 171:17-22, 194:9-18, Exhibits 23-28.

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c. Internal evidence of ineffective tools

248. As discussed above in Statements B8-B9 and as described below, Meta gave consumers the impression that its products had features or tools that were effective at curbing addictive use. However, Meta’s internal documents show that the company knew numerous features and tools—in particular, Daily Limit, Mute Notifications, Take a Break, and Quiet Mode —were ineffective. Meta apparently chose to launch such features in a manner that encouraged low adoption rates, such as launching features as opt-in only as opposed to active by default.

249. For example, on August 1, 2018, Meta announced “new tools to help people manage their time on Facebook and Instagram: an activity dashboard, a daily reminder [Daily Limit], and a new way to limit notifications [Mute Notifications].”⁵²⁴ However, such time management tools were launched only to a small percentage of users with no commitment to rollout more broadly.⁵²⁵ The apparent rationale for this approach was “to see how the tools impact [Meta’s] core business metrics” and “out of respect for the Growth team concerns about the potential negative impact” on daily active usage as a result of launching this tool.⁵²⁶ Kate Rouch, who ultimately became Meta’s Global Head of Brand and Product Marketing, flagged that this approach was an example of the company “put[ting] our own (e.g. business) needs before those of the people who use our service” and an “implementation [that] optimiz[es] for business / growth outcomes.”⁵²⁷

250. Moreover, for at least three years from the date these tools were launched, Meta knew the

⁵²⁴ Ranadive, Ameet, and Ginsberg, David, Aug. 1, 2018, “New Tools to Manage Your Time on Facebook and Instagram,” <https://about.fb.com/news/2018/08/manage-your-time/>.

⁵²⁵ META3047MDL-040-00317980, “Re: Time Well Spent Approach: FB v IG,” July 31, 2018, at 989-990.

⁵²⁶ META3047MDL-040-00317980, “Re: Time Well Spent Approach: FB v IG,” July 31, 2018, at 988-990.

⁵²⁷ META3047MDL-040-00317980, “Re: Time Well Spent Approach: FB v IG,” July 31, 2018, at 990, 980.

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“adoption rate” and “reach [was] low.”⁵²⁸

251. Furthermore, Meta knew that its Daily Limit tool, which was meant to “[l]imit the total time [users] spend on Instagram each day by setting a reminder,”⁵²⁹ had only been adopted by 1.4% of teens by April 2024, six years after the feature launched.⁵³⁰ Meta knew that the Daily Limit was ineffective because it was “opt-in” only, did not impose a true block to usage, but rather only provided an easily dismissible pop-up reminder. Only in 2024 did Meta allow supervising parents on teen accounts the option to set up a real time limit that, once exceeded, truly blocked the teen from accessing the platform. Still, this block is not operational by default. By default, time limit reminders merely send teens a notification “telling them to leave the app after 60 minutes each day.”⁵³¹

252. Take a Break was a time management tool launch three years later in December 2021 and was similarly internally known to be ineffective. According to Meta’s public statements, the Take a Break tool “ask[s users] to take a break from Instagram” after they have been “scrolling for a certain amount of time” and “suggest[s] that they set reminders to take more breaks in the future.”⁵³² However, Meta knew that the tool would be ineffective because the company launched its Take a Break tool as an “opt-in” reminder only, rather than as a default feature that

⁵²⁸ META3047MDL-031-00265234, “Re: [2022 Update] FW: feedback requested: unship proposal for Time Spent (in “Your Activity”)” April 6, 2022, at 248; *see also* Deposition of Liza Crenshaw, March 5, 2025, Exhibit 11; Deposition of Karina Newton, February 27, 2025, Exhibit 31; META3047MDL-020-00691200, “Message summary [{“otherUserFbld”:100042455490564,“threadFbld”:null}]” Charles Simondo, March 10, 2020; Deposition of Kang-Xing Jin, November 8, 2024, Exhibit 35.

⁵²⁹ META3047MDL-047-00067885, “Instagram Feature Awareness,” July 2023; META3047MDL-047-00622470, “Teen Feature Awareness,” July 2023.

⁵³⁰ META3047MDL-129-00000930, “Teen Time Spent and Time Spent Product SOTU,” April 29, 2024.

⁵³¹ Sept. 17, 2024, “Introducing Instagram Teen Accounts: Built-In Protections for Teens, Peace of Mind for Parents,” *FB.com*, <https://about.fb.com/news/2024/09/instagram-teen-accounts/>. Accessed July 28, 2025.

⁵³² Mosseri, Adam, Dec. 7, 2021, “Raising the Standard for Protecting Teens and Supporting Parents Online,” <https://about.instagram.com/blog/announcements/raising-the-standard-for-protecting-teens-and-supporting-parents-online>. Accessed July 14, 2025.

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would actually stop usage; moreover, the reminders were “easy to dismiss.”⁵³³ Meta employees noted that, by not enabling the Take a Break by default, the company was “not taking the problem [of problematic use] seriously, even now.”⁵³⁴ Moreover, Meta ignored expert advice from its Youth Advisory Council, delivered both before and after the launch of the Take a Break feature, that it should be implemented as a default tool if it was genuinely designed to be effective. Nonetheless, the feature was never enabled by default.⁵³⁵ By April 2024, three years since its launch, only 4.4% of teen users had adopted the feature.⁵³⁶

253. In January 2023, Meta similarly launched the Quiet Mode tool as an opt-in feature. Quiet Mode is a tool purportedly designed to curb problematic late-night use. Once enabled, the tool mutes notifications, changes users’ activity status to “In quiet mode,” and automatically sends an auto-reply message to senders when users receive DMs.⁵³⁷ Approaching Instagram’s Quiet Mode launch on January 19, 2023,⁵³⁸ Meta knew that a notable percentage of Instagram’s teen users experienced problematic late night use (i.e., usage between 12am and 4am), that Instagram had a “coverage gap” such that it did not have a tool designed to curb late use for the 7.4%, or approximately 13 million teens, who exhibited problematic late night use, and knew that “IG lag[ged] on teens late-night investments compared to other apps.”⁵³⁹ Additionally, even though

⁵³³ META3047MDL-034-00161639, “Take a Break/Nudges GTM,” at slide 6.

⁵³⁴ META3047MDL-046-00071961, “Message summary [{“otherUserFbid”:100027372548112, “threadFbid”:null}],” Sept. 29, 2021.

⁵³⁵ See META3047MDL-003-00021356, “Meta Youth Advisors Meeting Minutes,” August 27, 2021-January 28, 2022, at 371 (October 6, 2021 meeting where ██████████ recommends it be “default”) and 357 (Jan. 28, 2022 meeting where multiple experts says it should be default for global rollout).

⁵³⁶ META3047MDL-129-00000930, “Teen Time Spent and Time Spent Product SOTU,” April 29, 2024.

⁵³⁷ Jan. 19, 2023, “Giving People Control Over Their Time and What They See on Instagram,” <https://about.instagram.com/blog/announcements/new-ways-to-control-what-you-see-on-instagram>. Accessed July 21, 2025.

⁵³⁸ Jan. 19, 2023, “Giving People Control Over Their Time and What They See on Instagram,” <https://about.instagram.com/blog/announcements/new-ways-to-control-what-you-see-on-instagram>. Accessed July 21, 2025.

⁵³⁹ META3047MDL-111-00371250, “Late Night Use: IG Mental Well-being, Problematic Use - Strategy and

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the Instagram Mental Well-Being team recommended “opting early teens into Quiet Mode by default,”⁵⁴⁰ Meta did not launch Quiet Mode as a default feature.⁵⁴¹

254. Meta knew that as of February 2023, of the 50 million teens who experienced late night problematic use, fewer than 1% had opted to use Quiet Mode, only 4% had opted to use Take a Break, and fewer than 1% of the platform’s teen users had opted to use both.⁵⁴²

255. Meta’s internal communications appear to reveal an understanding within Meta that its time management tools tend to be largely ineffective. For example, in an October 2019 direct message to Meta colleagues, Dr. Gross stated that teens “had fairly negative things to say about the time spent tools we have (particularly that the tools are easy to ignore).” Dr. Gross’s point was echoed in an internal Instagram safety briefing document from H2 2023, which noted that while the Take a Break feature had a high retention rate among users, it suffered from a “low honor rate” attributed to the fact that “reminders are easily dismissible.”⁵⁴³ Accordingly, Meta researchers found that, in H1 2022, 0.165% of weekly active teens took a ten-minute break after receiving a nudge.⁵⁴⁴ In Q3 2022, research showed that this number was actually *declining* among weekly active teens,⁵⁴⁵ despite Meta’s public claim that over 90% of teens who set the

Design,” July 21, 2022; META3047MDL-065-00122305, “Feed Pause: FI - Controls Team in collaboration with xMWB,” November 2022; META3047MDL-047-01352629, “IG wellbeing moment in Q2 + what google announced related to “digital wellbeing” at I/O,” May 9, 2018; META3047MDL-003-00017819, “Tech-Backlash — Digital Wellness,” November 12, 2018; META3047MDL-019-00018494, “Role of Household Ecosystem & Problematic Usage.”

⁵⁴⁰ META3047MDL-111-00371250, “Late Night Use: IG Mental Well-being, Problematic Use - Strategy and Design,” July 21, 2022; Deposition of George Volichenko, January 3, 2024, at 219:6-220:25.

⁵⁴¹ Deposition 30(b)(6) of Sayed Oturu, June 9, 2025, at 270:10-271:10, 289:17-291:11; Deposition of Vaishnavi Jayakumar, January 30, 2025 at 150:23-151:3

⁵⁴² META3047MDL-060-00000456, “IG Mental Well-being: Behavior Reduction Strategy: Late Night Use,” February 16, 2023, at 464.

⁵⁴³ META3047MDL-035-00001642, “SJC IG Safety Briefing,” 2023, at 660.

⁵⁴⁴ META3047MDL-047-01170167, “IG Mental Well-being FYI [Archived],” 2022, at 167.

⁵⁴⁵ Deposition of George Volichenko, December 16, 2024, Exhibit 4.

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reminders keep them on.⁵⁴⁶ A 2022 internal literature review on consumer perceptions of Facebook also noted that “[u]sers are generally less willing to self-police” and, as a result, platform features designed to “[help] users feel more in control of their experiences ... might not be as effective as imagined.”⁵⁴⁷ More generally, internal Meta research has also found that teen users do not find it easy to adjust Instagram’s notification settings,⁵⁴⁸ suggesting that Instagram’s design includes barriers to enabling these features in the first place. Similarly, tests of Instagram’s “Quiet Mode,” a feature meant to prevent late night compulsive use, found it only reduced teen late night use by 0.38%.⁵⁴⁹

256. Again, these tools were ineffective at least in part because users had to actively opt to use them (an opt-in default), rather than using them by default (an opt-out default).⁵⁵⁰ Former Meta engineering consultant and Director of Site Integrity Arturo Béjar testified that, based on his considerable experience building features for the company, “[i]f a feature is opt-in, almost nobody will use it,” and that an opt-in tool might attract “maybe 1 or 2 percent [adoption] if you’re really doing well.”⁵⁵¹ Adam Mosseri also testified that, “if the feature is on by default, more people are going to use it.”⁵⁵² CEO Mark Zuckerberg was well aware of this pattern, stating as early as 2009 that “stats show us that most people just use whatever the default setting or filter

⁵⁴⁶ Mosseri, Adam, Dec. 7, 2021, “Raising the Standard for Protecting Teens and Supporting Parents Online,” *Meta*, <https://about.fb.com/news/2021/12/new-teen-safety-tools-on-instagram/>. Accessed July 14, 2025.

⁵⁴⁷ META3047MDL-047-00068518, “Literature Review: Understanding Consumer Perception of Facebook App Integrity and Privacy,” August 2022, at 551.

⁵⁴⁸ META3047MDL-003-00020800, “Beyond the Individual User: Understanding our Products through the Household Ecosystem,” 2020.

⁵⁴⁹ Deposition of George Volichenko, December 16, 2024, 149:21-152:2; META3047MDL-034-00504271, “Re: [Launch Decision; Input Requested by 1/13 EOD] Quiet Mode Test Results & Launch Plan 1/19,” Jan. 20, 2023.

⁵⁵⁰ Deposition of George Volichenko, December 16, 2024, 106:6–107:1, 112:1–20, 164:8–24

⁵⁵¹ Deposition of Arturo Béjar, April 7, 2024, 168:2-8.

⁵⁵² Deposition of Adam Mosseri, March 17, 2025, 315:19-24; *see also* Deposition of Nick Clegg, March 20, 2025, 651:3-7; Deposition of Shilpa Mody, March 14, 2025, 340:12-19; Deposition of Moira Burke, January 28, 2025, 253:5-11.

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is. That leads me to believe that the best thing we can do is improve the default experience.”⁵⁵³

Meta has reported that 97% of teens aged between 13- and 15-years-old adopt the defaults built into the company’s platforms.⁵⁵⁴

257. The ineffectiveness of these tools reflects Meta’s unwillingness to make changes to its platforms that are designed to meaningfully reduce time spent. Ms. Jayakumar described user control tools which leave the fundamental product architecture unchanged as “temporary Band-Aid[s].”⁵⁵⁵ Ms. Jayakumar explained that these tools are “not a substitute for a more foundational strategy around ensuring that young people are having age-appropriate experiences online.”⁵⁵⁶

258. Rather than meaningfully address addictive use, these tools appear to have functioned primarily as proof points for use in public persuasion efforts. By and large, Meta touted these proof points without having evidence to support that the features would result in less addictive use. Internal documents reveal that Meta identified a need to invest in a “[d]rumbeat of product work that shows dedication to [problematic use].”⁵⁵⁷ When Take a Break was announced, an internal presentation noted the “perception [that] we aren’t doing enough to support teen well-being on IG” and highlighted the opportunity to “demonstrate progress and help teens feel that time spent on Instagram is intentional and meaningful.”⁵⁵⁸ By maintaining a steady stream of new tools, Meta has been able to create a drumbeat of proof points that signal it is addressing the

⁵⁵³ META3047MDL-046-00446151, “RE: Discussion Post,” March 18, 2009, at 152.

⁵⁵⁴ <https://about.fb.com/news/2025/04/introducing-new-built-in-restrictions-instagram-teen-accounts-expanding-facebook-messenger/>. Accessed July 21, 2025.

⁵⁵⁵ Jayakumar, Vaishnavi, Jan. 29, 2024, “Red Herrings To Watch For At The Senate’s Child Safety Hearing,” <https://www.techpolicy.press/red-herrings-to-watch-for-at-the-senates-child-safety-hearing/>.

⁵⁵⁶ Jayakumar, Vaishnavi, Jan. 29, 2024, “Red Herrings To Watch For At The Senate’s Child Safety Hearing,” <https://www.techpolicy.press/red-herrings-to-watch-for-at-the-senates-child-safety-hearing/>.

⁵⁵⁷ META3047MDL-014-00377348, “Re: Define and Measure our Impact on Well-being: 2020 recap and update [1/5/20]” February 19, 2021, at 354.

⁵⁵⁸ META3047MDL-034-00161639, “Take a Break/Nudges GTM,” at slide 2.

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issue without ever demonstrating any reduction in problematic use.

vii. Conclusion

259. As described in this section, Meta made external statements asserting that its platforms were not addictive in the broad, lay sense, and that its platforms were not designed to be addictive and/or not known to induce problematic use consistent with addiction. Meta's statements further gave consumers the impression that its' platforms' tools were meant to help users manage their time and prevent addictive use. To support these statements, Meta employees implemented social influence tactics, including omitting research findings about the habit-forming effects of the platforms, deploying effort heuristics, setting a different agenda focused on the quality of time spent on the platform rather than quantity, and deploying proof points to support their claims. As with other external statements from the company and given the nature of its platforms as credence goods, consumers would have been particularly reliant on Meta to provide accurate, honest, and relevant information about its products. Similarly, they would likely have understood Meta's statements about "addiction" to refer to a broader lay definition that includes any kind of compulsive, habitual use. Additionally, when Meta released statements about features and tools aimed at curbing addictive use, the exclusion of key pieces of internal knowledge about their inefficacy would have led consumers to believe they are legitimate solutions to these concerns. Thus, consumers are likely to take away a false impression of Meta's platforms.

C. Meta conveyed to consumers that its platforms do not harm users

260. In this section I address Meta's public statements regarding the extent to which its platforms are associated with or cause harm to users, how the statements are likely to shape consumer perceptions of Meta's platforms, and how evidence from Meta employees and

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documents reveals an internal narrative about Meta's platforms that sits in stark contrast to the narrative presented publicly. A summary of this section is presented below.

261. Meta, or high-ranking Meta personnel including Meta's CEO, Meta's Global Head of Safety, Vice President – Head of Research, and Meta's Vice President of Integrity have made public statements that fall into one of the four following categories:

- a. Meta's statements claiming that research shows that the overall effect of Meta's platforms on user well-being is neutral or positive rather than negative;
- b. Meta's statements claiming that harmful content and experiences on Meta's platforms are rare;
- c. Meta's statements claiming that its internal policies keep its platforms safe for users; and
- d. Meta's statements claiming that its platforms are safe and suitable for young users.

262. These statements have a tendency to mislead because:

- a. A reasonable consumer would falsely believe that Meta had robust and/or effective procedures for keeping harmful content off its platforms and that young users would encounter harmful content in negligible quantities;
- b. A reasonable consumer would falsely believe that the platforms were safe and suitable for young users; and
- c. A reasonable consumer would falsely believe Meta did not possess internal research findings documenting that young users experienced and reported harmful encounters and harmful experiences at a frequency rate much higher than its public metrics reported.

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the behavior of higher-status, older teens and adolescents, and so capitalized on this pattern in its marketing campaigns.

415. Whereas older teens influence younger teens and tweens, this pattern tends to be asymmetric; older teens learn from their peers, and to some extent from adults, but they are largely uninterested in the attitudes, values, and behavioral patterns of younger teens and tweens.⁹⁰³ Social learning tends to be largely aspirational, particularly among adolescents, and children, tweens, and younger teens are not aspirational targets for older teens. This asymmetry is evident in the adult-mimicking behavioral patterns of teens, particularly as they develop and begin to take on the attributes associated with young adults.⁹⁰⁴ Many businesses that seek to appeal to tweens and teens recognize this asymmetry, and accordingly target and position their products for tweens and young teens using material that may appear superficially designed for older teens.

C. Certain content is particularly appealing to tweens and young teens

416. Tweens are particularly drawn to content that fulfills their developmental needs. Among other types of content, they seek out: (a) age- and developmentally-appropriate entertainment; (b) social validation from peers; (c) creative and educational content that exposes them to new ideas and interests; (d) experiences and content that appeal to or feature teens; and (e)

⁹⁰³ See, e.g., Bandura, A. (1977), *Social Learning Theory*, Englewood Cliffs, NJ: Prentice-Hall.

⁹⁰⁴ Again, the JUUL and Sephora examples illustrate this asymmetry, and more broadly the tendency for teens to assimilate to the behavioral patterns of young adults: Radin, S. (January 28, 2025). The “Sephora Kids” aren’t going anywhere. *Vogue Business*. Retrieved from: <https://www.voguebusiness.com/story/beauty/the-sephora-kids-arent-going-anywhere>; Huang, J., Duan, Z, Kwok, J., Binns, S., Vera, L. E., Kim, Y., Szczypka, G., & Emery, S. L. (2019), “Vaping versus Juuling: how the extraordinary growth and marketing of JUUL transformed the US retail e-cigarette market,” *Tobacco Control*, 28:146-151; Chen-Sankey, J., Unger, J. B., Bansal-Travers, M., Niederdeppe, J., Bernat, D., Choi, K., & Villanti, A. C. (2019), “E-cigarette marketing exposure and subsequent experimentation among youth and young adults,” *Pediatrics*, 144:e20191119.

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aspirational content that introduces them to new products and ideas.⁹⁰⁵

417. Many tweens engage with social media platforms for entertainment purposes, and much of that content is humor-based and short-form in nature. Researchers at Common Sense Media found that “watching online videos on sites such as YouTube or TikTok is the media activity young people enjoy doing the most, by far,” with 64% of tweens aged 8-12 reporting watching videos online every day.⁹⁰⁶ These sites provide short-form, engaging, and visually stimulating content, such as memes, comedic videos, and viral challenges. For example, tweens are attracted to, and have actively participated in, viral challenges like the “Try Not to Laugh” challenge, which feature short, comedic clips that encourage engagement through Likes, Comments, and “Duets” (response videos that play side-by-side with the original video).⁹⁰⁷

418. As the “Try Not to Laugh” challenge suggests, much of this entertainment is social in nature. Consistent with the developmental milestones of tweenhood, tweens become increasingly interested in online content that involves social engagement and social feedback cues. These social cues perform two roles: first, they enable tweens to form an increasingly solid sense of who they are as individuals, and as members of social groups that matter to them; and second,

⁹⁰⁵ For broad discussions, see, e.g.: Bulger, M., Madden, M., Sobel, K., & Davison, P. (2021), “The missing middle: Reimagining a future for tweens, teens, and public media,” *Joan Ganz Cooney Center at Sesame Workshop*. Retrieved from: https://joanganzcooneycenter.org/wp-content/uploads/2021/05/jgcc_missingmiddle.pdf; Livingstone, S. (2002), *Young people and new media: Childhood and the changing media environment*. London: SAGE Publications; Common Sense Media. (2022), “The common sense census: Media use by tweens and teens,” *Common Sense Media*. Retrieved from <https://www.commonsensemedia.org/research>.

⁹⁰⁶ Common Sense Media. (2022), “The common sense census: Media use by tweens and teens,” *Common Sense Media*. Retrieved from <https://www.commonsensemedia.org/research>.

⁹⁰⁷ Elgersma, C., (2019), “13 Online Challenges You Kid Already Knows About,” *Common Sense Media*, <https://www.commonsensemedia.org/articles/13-online-challenges-your-kid-already-knows-about>. See, also, https://www.commonsensemedia.org/sites/default/files/research/report/2020_zero_to_eight_census_final_web.pdf; <https://support.tiktok.com/en/using-tiktok/creating-videos/duets-settings>.

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they provide hedonic (or pleasurable) rewards for desirable behavior.⁹⁰⁸ Indeed, considerable behavioral and neuroscientific research demonstrates that tweens and early teens are particularly sensitive to social feedback, experiencing amplified highs and lows in response to positive and negative feedback, respectively.⁹⁰⁹ The unpredictable nature of this feedback, and the specter of negative feedback, function as motivational hooks, luring tweens and early teens to hunt for Likes and other positive feedback despite the threat of censure and disapproval.⁹¹⁰

419. Many tweens also seek out content that exposes them to creative or educational content, focusing particularly on art and craft projects, gaming, coding challenges, and a wide range of do-it-yourself projects.⁹¹¹ For example, the #slime hashtag on Instagram features thousands of posts created by and for tweens demonstrating slime recipes and projects.⁹¹² These pursuits fulfill entertainment needs, but they also function to make tween and early teen creators more “interesting” to audiences of their peers, particularly on social media platforms.⁹¹³

⁹⁰⁸ See, e.g., Swann, W. B., Jr. (1983), “Self-verification: Bringing social reality into harmony with the self,” In J. Suls & A. G. Greenwald (Eds.), *Social psychological perspectives on the self* (Vol. 2, pp. 33–66). Lawrence Erlbaum Associates; Cooley, C. H. (1902), *Human Nature and the Social Order*, New York: Charles Scribner's Sons; Turner, J. C., Hogg, M. A., Oakes, P. J., Reicher, S. D., & Wetherell, M. S. (1987), *Rediscovering the Social Group: A Self-Categorization Theory*, Oxford, UK: Basil Blackwell.

⁹⁰⁹ Crone, E.A., & Konijn, E.A. (2018), “Media use and brain development during adolescence,” *Nature Communications*, 9:588; da Silva Pinho, A., Céspedes Izquierdo, V., Lindström, B., & van den Bos, W. (2024), “Youths’ sensitivity to social media feedback: A computational account,” *Science Advances*, 10:eadp8775; Burrow, A. L., & Rainone, N. (2017), “How many likes did I get? Purpose moderates links between positive social media feedback and self-esteem,” *Journal of Experimental Social Psychology*, 69:232–236; Smith, D., Leonis, T., & Anandavalli, S. (2021), “Belonging and loneliness in cyberspace: Impacts of social media on adolescents’ well-being,” *Australian Journal of Psychology*, 73:12–23; Timeo, S., Riva, P., & Paladino, M. P. (2020), “Being liked or not being liked: A study on social-media exclusion in a preadolescent population,” *Journal of Adolescence*, 80:173–181.

⁹¹⁰ For an extended discussion of such variable reward cues, and how they function to ensnare social media users, see: Alter, A. L. (2017), *Irresistible: The rise of addictive behavior and the business of keeping us hooked*, New York: Penguin Press. For a classic treatise, see: Ferster, C. B., & Skinner, B. F. (1957), *Schedules of reinforcement*, New York: Appleton-Century-Crofts; for a more recent review, see: Staddon, J. E. R., & Cerutti, D. T. (2003), “Operant conditioning,” *Annual Review of Psychology*, 54:115–144.

⁹¹¹ Lenhart, A. (2015), “Teens, social media & technology overview,” *Pew Research Center*. Retrieved from <https://www.pewresearch.org/internet/2015/04/09/teens-social-media-technology-2015/>

⁹¹² <https://www.today.com/parents/got-slime-trend-creating-tween-bosses-across-u-s-t108682>.

⁹¹³ Yau, J.C. and Reich, S.M. (2019), “‘It’s just a lot of work’: Adolescents’ self-presentation norms and practices on Facebook and Instagram,” *Journal of Research on Adolescence*, 29:196–209.

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420. Consistent with these self-presentation concerns, tweens tend to seek out aspirational content that introduces them to older teens, influencers, and celebrities. For example, girls tend to seek out older influencers who are perceived to be “experts” in fashion, beauty, and lifestyle trends.⁹¹⁴ The “Sephora Kids” described in the *Vogue Business* article discussed earlier exemplify this tendency. The term “Sephora Kids” broadly describes tweens who engage with high-end beauty brands and influencers who are significantly older than they are, and who demonstrate make-up and beauty routines that are positioned more squarely for older adolescent and young adult audiences.⁹¹⁵ Tween boys similarly seek out older influencers who introduce them to sports, gaming, and other content that might appear to be positioned for older audiences.⁹¹⁶

421. Children and tweens possess a unique set of interests that ranges from more traditionally child-focused content, like cartoons and child celebrities, to content that helps them to identify with their emerging teen selves. Critically, this tendency to seek out content that may appear to target older audiences means that a platform may be directed to children based on the presence of late teen or adult influencers or celebrities who appeal to the aspirational interests of children and tweens.

⁹¹⁴ See, e.g., Rideout, V., & Robb, M. B. (2019), “The common sense census: Inside the 21st-century tween’s digital life,” *Common Sense Media*. Retrieved from <https://www.common sense media.org/research/the-common-sense-census-media-use-by-tweens-and-teens>

⁹¹⁵ Radin, S. (January 28, 2025). The “Sephora Kids” aren’t going anywhere. *Vogue Business*. Retrieved from: <https://www.voguebusiness.com/story/beauty/the-sephora-kids-arent-going-anywhere>.

⁹¹⁶ JUUL was one such lifestyle brand with older influencers that appealed to boys and girls: Huang, J., Duan, Z., Kwok, J., Binns, S., Vera, L. E., Kim, Y., Szczypka, G., & Emery, S. L. (2019), “Vaping versus Juuling: how the extraordinary growth and marketing of JUUL transformed the US retail e-cigarette market,” *Tobacco Control*, 28:146-151; Chen-Sankey, J., Unger, J. B., Bansal-Travers, M., Niederdeppe, J., Bernat, D., Choi, K., & Villanti, A. C. (2019), “E-cigarette marketing exposure and subsequent experimentation among youth and young adults,” *Pediatrics*, 144:e20191119.

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XVI. META FOCUSES ON ATTRACTING CHILD USERS TO ITS PLATFORMS

422. In this section, I consider Meta’s interest in studying, attracting, and retaining young users across its platforms and review its efforts to design separate social media platforms for children. This analysis of Meta’s company-wide focus on child users and their value provides important context for my later evaluation of the Instagram and Facebook platforms, and the degree to which each is child-directed.

A. Meta focuses on young users as it prioritizes growth and engagement

423. To social media platforms like Meta’s Platforms, a population of young users that replenishes itself over time as earlier cohorts age is critical because these users function as ambassadors for the freshness and currency of those platforms; they post content which in turn attracts new and existing users to the platforms;⁹¹⁷ and their relative youth gives them the capacity to produce more lifetime revenue than older demographic groups.⁹¹⁸

424. Young users are so important to Meta that the company’s executives encouraged its employees to share youth insights across Meta’s family of apps. “Youth Research Unite,” a presentation designed to unite the youth-focused teams across various departments at Meta, explained that a platform that attracted teens would also become more successful overall: “Teens are the linchpin to our success with Youth...Building to attract teens is the most strategic way to build for everyone in the family.”⁹¹⁹ This focus on attracting young users dates back at least as early as 2013, when Mr. Zuckerberg noted that Facebook was competing for users under the age

⁹¹⁷ <https://www.nytimes.com/2006/09/12/technology/12online.html>.

⁹¹⁸ META3047MDL-003-00085182, “Market Strategy Updates – 10/5/18” email, October 2018 at 184-186. See also, e.g., Clemons, E. K. (2009), “The complex problem of monetizing virtual electronic social networks,” *Decision Support Systems*, 48:46-56; Tuten, T. L., & Solomon, M. R. (2021), *Social Media Marketing (4th ed.)*, London: Sage Publications.

⁹¹⁹ META3047MDL-014-00009592, “Youth Research Unite,” June 2021, at 666.

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began on Messenger Kids would enjoy Instagram more readily than would those who arrived on the platform without an existing online social network.

437. Though Meta was perhaps more focused on how Messenger Kids users “aged up” to Instagram, Messenger Kids also provided direct links to Facebook.⁹⁶⁰ In order for a child to use Messenger Kids, at least one of his or her parents needed a Facebook account, as “[a]dding and removing contacts [could] only take place from the parent dashboard within Facebook.”⁹⁶¹ In addition to connecting with other children with Messenger Kids accounts, users can connect with contacts over 13 years of age on Messenger Kids, such as grandparents, siblings, and older friends, as long as those users also have a Facebook account.⁹⁶² Critically, those older contacts have Facebook accounts, rather than Messenger Kids accounts, enabling children who use Messenger Kids to age up to Facebook with a network of “friends” that overlaps significantly with their existing network on Messenger Kids.

438. In the course of developing Messenger Kids, Meta conducted research on the behaviors of tweens and younger children. This research revealed that tweens often acted differently from the younger children using Messenger Kids.⁹⁶³ For example, one 11-year-old respondent to a Meta survey about Messenger Kids stated, “In general, [Messenger Kids is] very kiddie. The pictures and fonts go really well together. People who are in kindergarten, 5-7 years olds [would really like this]. Since I’m a 5th grader, this is a little too young for me.”⁹⁶⁴ Dovetailing with academic research on adolescent development, Meta’s data showed that the platform “drop[ped]

⁹⁶⁰ <https://www.facebook.com/help/messenger-app/732544310273905>.

⁹⁶¹ https://www.facebook.com/help/messenger-app/2561872534065550/?helpref=related_articles.

⁹⁶² <https://www.facebook.com/help/messenger-app/732544310273905>.

⁹⁶³ See META3047MDL-003-00031387, “Messenger Kids: What’s in a Name?” September 2020, at 431.

⁹⁶⁴ META3047MDL-003-00031387, “Messenger Kids: What’s in a Name?” September 2020, at 431.

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down in usage ranking as kids move from child to tween,”⁹⁶⁵ starting around age 10.⁹⁶⁶ By 2020, Meta recognized that, despite its success with children under 10, Messenger Kids ultimately is “not an upwardly aspirational app...[as]...it gives tweens a way to talk but nothing to *talk about*.”⁹⁶⁷

439. Messenger Kids therefore partly succeeded and partly failed in promoting Meta’s goal of introducing children to its network of apps. Though it succeeded in attracting millions of children to the earliest stages of Meta’s social media pipeline, it also failed by losing the attention and interest of many of those young users before they were ready to graduate to Instagram and Facebook. As Meta observed, there was a conspicuous “tween gap” during which tweens were too old for Messenger Kids, but too young for Instagram and Facebook.

C. Instagram Kids

440. To address its tween gap, Meta pursued a fresh strategy. In an email titled “MK [Messenger Kids] + Instagram = Future FB Users,” Meta employees proposed “transition[ing] MK users to Instagram in their tween years as they get a cellular phone” in order to “age up MK users” to Meta’s apps,⁹⁶⁸ rather than waiting until those tweens turned 13. The email went on to state that “[it was] time we show we can maintain those kids [currently using Messenger Kids] as tweens. This requires Instagram to support kids.”⁹⁶⁹

441. In the fall of 2016, Instagram staff said in an internal report that acquisition of the app

⁹⁶⁵ META3047MDL-003-00031387, “Messenger Kids: What’s in a Name?” September 2020, at 491.

⁹⁶⁶ META3047MDL-003-00124140, “Messenger Kids: Next Steps App Profile,” October 2020, at 184.

⁹⁶⁷ META3047MDL-003-00031387, “Messenger Kids: What’s in a Name?” September 2020, at 404 and 393, emphasis in original.

⁹⁶⁸ META3047MDL-003-00160444, “Fwd: MK account + Instagram = Future FB users,” October 9, 2020, at 445.

⁹⁶⁹ META3047MDL-003-00160444, “Fwd: MK account + Instagram = Future FB users,” October 9, 2020, at 444.

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was “softening relative to [the] growing market” and that in terms of retention it was “worsening and worse relative to adults.”⁹⁷⁰ Four years later, an internal “end of year” assessment of Instagram’s 2020 accomplishments and challenges reported, “We...aren’t as strong as we once were” with tweens who “spend as much as three times more time on TikTok and YouTube” than on Instagram.⁹⁷¹ The four-page end-of-year review concluded by laying out the problem and some possible solutions:

We don’t yet have a cohesive age-up strategy across the family. The particularly concerning gap is with 10-12 year olds, and that puts the next generation of teens at risk of going elsewhere. We see working with the Messenger Kids team, establishing a family youth account, and building out an Instagram youth product as a massive opportunity.⁹⁷²

442. Meta believed that Instagram was losing its share of teen users in part because tweens were churning, or leaving Meta’s family of apps, before they could graduate to Meta’s other platforms. The solution was to create an experience that squarely targeted tweens and young teens to ensure that they did not decamp to TikTok, YouTube, and Snapchat when they outgrew the child-targeted features Meta had designed for Messenger Kids. Though evidence shows that many tweens create accounts on Instagram without “aging up” through Messenger Kids,⁹⁷³ a large enough group of tweens seemed to leak from Meta’s pipeline to prompt a reexamination of Meta’s strategies for attracting, retaining, and growing its young teen user base.

443. A few months after Meta personnel reiterated this need, in March 2021, Instagram’s internal focus on tweens was formalized.⁹⁷⁴ Instagram decided to introduce a “cohesive age-up

⁹⁷⁰ META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 449.

⁹⁷¹ META3047MDL-003-00161086, “Instagram 2020 H2/ 2021 H1,” 2020, at 086.

⁹⁷² META3047MDL-003-00161086, “Instagram 2020 H2/ 2021 H1,” 2020, at 089.

⁹⁷³ See Section XVII.B, above.

⁹⁷⁴ <https://www.buzzfeednews.com/article/ryanmac/facebook-instagram-for-children-under-13>.

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strategy” to close the “10-to-12 year old gap” by creating a special tween-only version of the app.⁹⁷⁵ Instagram created a dedicated “youth team” to develop this new version of the app that would come to be known as Instagram Kids (also referred to as Instagram Youth or IGY, internally).⁹⁷⁶ The youth team was headed by Pavni Diwanji, who had joined Instagram the previous November after having created and run Google’s hugely successful YouTube Kids initiative.⁹⁷⁷

444. Meta believed that Instagram Kids should appeal to children across a broad range of ages. Though much of the discussion focused on its suitability for tweens, the Instagram youth team believed that it would also appeal to children who were not yet able to read. Specifically, the app was designed to be a “Visual & Audio First Experience,” incorporating “[i]ntuitive design with visual and audio cues instead of written instructions as many children cannot read yet, especially English. Having globally recognized audio cues and visual cues behind buttons and features to enhance usability.”⁹⁷⁸

445. Despite this discussion of younger child users, the app was primary designed to appeal to tweens. To that end, Meta produced a 36-page study in 2021 titled, “Instagram Youth: Tween Needs.”⁹⁷⁹ The report began with a distillation of the study’s purpose, expressed as three high-

⁹⁷⁵ META3047MDL-003-00161086, “Instagram 2020H2 / 2021H1,” at 189.

⁹⁷⁶ META3047MDL-004-00003084, “[PM Open Roles] Director of Product, Instagram Youth,” March 19, 2021.

⁹⁷⁷ Mac and Silverman, “Facebook Is Building An Instagram for Kids Under the Age of 13,” *Buzzfeed* <https://www.buzzfeednews.com/article/ryanmac/facebook-instagram-for-children-under-13>. Pavni Diwanji, LinkedIn, <https://www.linkedin.com/in/diwanji/>. By 2023, one study indicated that 62% of US kids aged 3-5 had the YouTube Kids app installed on the device where they watched videos. Pablo Durañona, “YouTube or YouTube Kids? Reaching the right audience effectively and safely,” October 25, 2023, KidsCorp, <https://www.kidscorp.digital/resources/blog/youtube-or-youtube-kids-reaching-the-right-audience-effectively-and-safely>.

⁹⁷⁸ META3047MDL-003-00016725, “Youth Landscape and Opportunities for IG,” July 2021 at 752.

⁹⁷⁹ META3047MDL-004-00003522, “IG Youth: Tween Needs,” approximate date spring 2021. The slide deck itself is undated, but contains dated research, the most recent of which is April 2021.

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level questions:

“How might we help tweens discover, curate, and go deep on their interests on IG?”;

“How might we help tweens play, create, and collaborate on IG?”;

“How might we help tweens feel like their close friends/family are nearby?”⁹⁸⁰

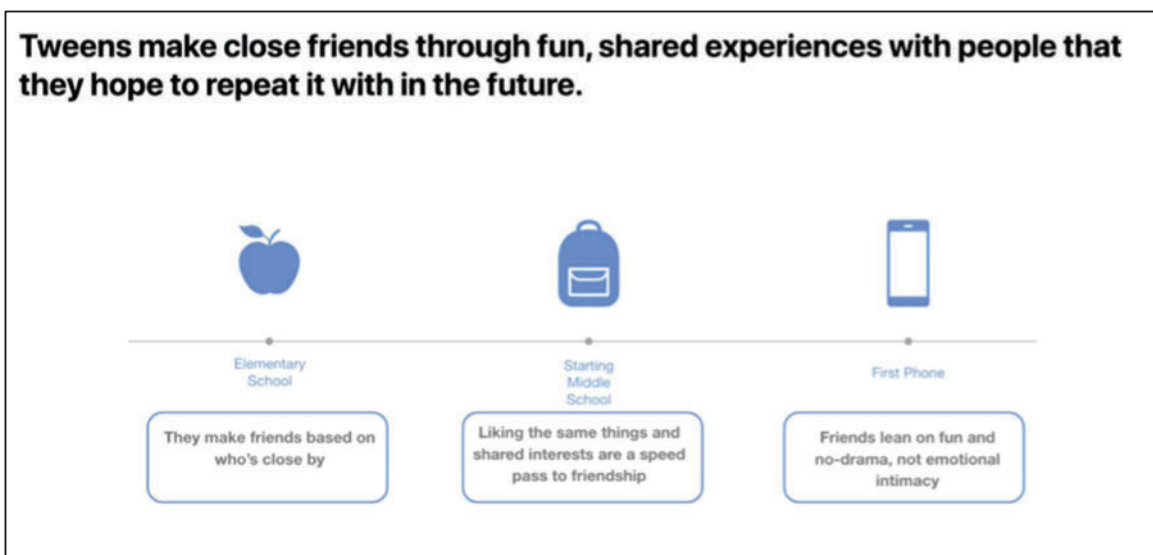
These guiding research questions provide clear evidence that Meta sought to understand tweens, specifically, and to understand what features of a social media network would appeal to tweens.

446. Meta’s analysis was based on a survey of “younger” and “older” teens who use Instagram, defined as 13-14 and 15-17, respectively, but the presentation repeatedly uses the term “tweens” and references other research within the company on 10-12-year-olds.⁹⁸¹ One example examining the needs and experiences of tweens can be seen in Figure 20, below, where the presentation focused on children leaving elementary school and entering middle school, when they typically started using smartphones.

⁹⁸⁰ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 523.

⁹⁸¹ See, for example, META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 524, 530, and 534.

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Figure 20. Meta Presentation about Instagram focuses on those under 13⁹⁸²

447. The research document went on to provide a detailed analysis of “tween needs” in each of four categories — “entertainment,” “creativity & expression,” “play,” and “togetherness & connection”⁹⁸³—and provided data on which age groups of Instagram users like which categories of entertainment,⁹⁸⁴ which “connection features” they find valuable,⁹⁸⁵ and which accounts they tend to follow and message.⁹⁸⁶ The study made a number of recommendations about how the new platform might appeal to the needs of tweens, as seen in Figure 21, below. For example, it noted that “young teens enjoy consuming Reels as a source of entertainment more than other age cohorts,” and that “tweens say they enjoy content that fall [sic] under the funny / comedy, gaming music, animals / pets, and pranks categories, and unsurprisingly also tend to interact with those categories most too.”⁹⁸⁷ The presentation also noted that tweens “use playful creation tools,

⁹⁸² META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 542.

⁹⁸³ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 525.

⁹⁸⁴ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 529.

⁹⁸⁵ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 535.

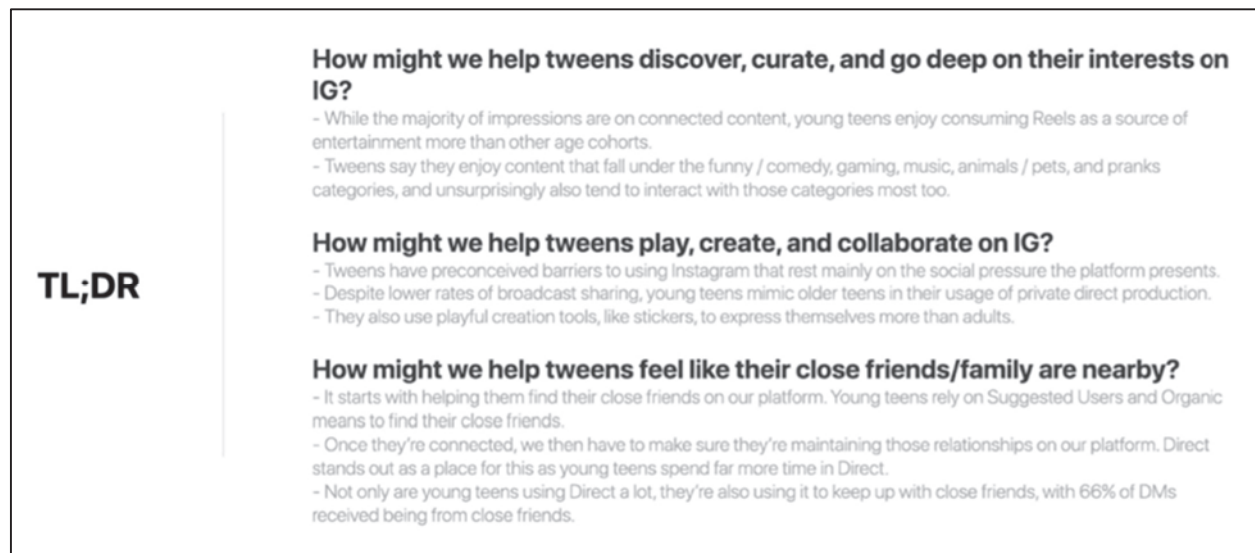
⁹⁸⁶ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 544, 545, 546.

⁹⁸⁷ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 523.

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like stickers, to express themselves more than adults,” that “young teens are using direct [messages] a lot,” and Meta’s role “starts with helping them find their close friends on our platform.”⁹⁸⁸

Figure 21. The Instagram youth team identified features to appeal to tweens⁹⁸⁹



448. When Meta revealed its plans to launch Instagram Kids, many audiences believed that an Instagram platform designed for children would create significant risks to the mental health and well-being of the children who used the platform. Amidst other expressions of concern, more than 180,000 people signed a petition calling on Meta to abandon the proposed platform.⁹⁹⁰

449. In response to considerable opposition, Meta “paused” the development of Instagram

⁹⁸⁸ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 523.

⁹⁸⁹ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 523.

⁹⁹⁰ See, <https://www.usatoday.com/story/tech/2021/05/25/instagram-kids-facebook-mark-zuckerberg-petition/7419278002/>. Additionally, Attorneys General from 44 states urged Meta to abandon their plan for the tween-oriented app, writing: “It appears that Facebook is not responding to a need, but instead creating one,” the Attorneys General wrote, “as this platform appeals primarily to children who otherwise do not or would not have an Instagram account...an Instagram platform for young children is harmful for myriad reasons.” See, National Association of Attorneys General, Letter to Mark Zuckerberg Re: Facebook’s Plans to Develop Instagram for Children Under the Age of 13, May 10, 2021, <https://www.naag.org/wp-content/uploads/2021/05/NAAG-Letter-to-Facebook-Final-1.pdf>.

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Kids in September 2021, six months after it officially began exploring the platform.⁹⁹¹ (As far as I am aware, the project remains dormant as of this report’s submission.) When Adam Mosseri, the head of Instagram, announced the platform’s hiatus publicly, he made clear that Instagram knew children were on “apps that are meant for those 13 or older”:

Critics of ‘Instagram Kids’ will see this [pause] as an acknowledgement that the project is a bad idea. That’s not the case. **The reality is that kids are already online**, and we believe that developing age-appropriate experiences designed specifically for them is far better for parents than **where we are today**.⁹⁹² (emphasis added)

450. Two months later, in an internal chat with two fellow senior Meta executives, Mr. Mosseri reiterated Meta’s understanding that children continue to use Instagram, to find the platform appealing, and to misstate their ages to gain access:

[W]hat we’re actually doing is pretty different than creating youth specific experiences. Tweens want access to Instagram, and they lie about their age to get it now. We’d like it if they aged up from an age appropriate version to the full [version] of Instagram, so the explicit strategy – which is on pause – is to let them download the main app and cater the experience to their age.⁹⁹³ (emphasis added)

451. Together, this combination of public and private messages authored by Mr. Mosseri demonstrates that Meta’s most senior personnel understood that Instagram both appealed to children and attracted and retained child users. As discussed in more detail in Section XVI.C, below, while Meta ultimately did not launch a specific “Instagram Kids” product, the company did incorporate features recommended by its research on tweens for the Instagram Youth app into its primary Instagram platform.

⁹⁹¹ Adam Mosseri, “Pausing ‘Instagram Kids’ and Building Parental Supervision Tools,” September 27, 2021, Instagram blog, <https://about.instagram.com/blog/announcements/pausing-instagram-kids>.

⁹⁹² Adam Mosseri, “Pausing ‘Instagram Kids’ and Building Parental Supervision Tools,” September 27, 2021, Instagram blog, <https://about.instagram.com/blog/announcements/pausing-instagram-kids>.

⁹⁹³ META3047MDL-003-00171553, Direct Messages, November 10, 2021.

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452. Meta has consistently emphasized the strategic importance of attracting child and tween users for ongoing growth and success of its social media platforms.⁹⁹⁴ It has studied extensively the role that child users play in building and sustaining its family of apps, paying particular attention to the ongoing relationships those children form with Meta's platforms as they become teens and then young adults.⁹⁹⁵ To drive child users to engage with its platforms, Meta has both studied the needs of children and tweens, and actively designed and launched Messenger Kids, a youth-focused social media app designed to capture the youngest users with the aim of graduating them to Meta's primary platforms as they age⁹⁹⁶ and looked into developing a children-only version of Instagram.⁹⁹⁷ As Meta noted in internal documents, its view was that “the young ones are the best ones...[with respect to] long-term retention.”⁹⁹⁸

453. In Section XVII, below, I examine evidence indicating that Meta indeed pursued this strategy, shaping Instagram to be directed to children. In Subsection A, below, I examine similar evidence indicating Meta sought to shape Facebook to be directed for children.

XVII. EVALUATION OF INSTAGRAM’S CHILD-DIRECTEDNESS

454. In this section, I examine whether Instagram, as a platform, is directed to children. There are two broad categories of information that demonstrate whether a platform is child-directed: First, evidence that either the platform in its entirety or portions of the platform were intended to

⁹⁹⁴ See, for example, META3047MDL-003-00134648, “2017 Teens Strategic Focus,” October 27, 2016, META3047MDL-003-00029661, “Aging-up of Youth,” and META3047MDL-003-00160444, “Fwd: MK account + Instagram = Future FB users,” October 9, 2020.

⁹⁹⁵ See, for example, META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 454 and META3047MDL-003-00029661, “Aging-up of Youth.”

⁹⁹⁶ META3047MDL-003-00134648, “2017 Teens Strategic Focus,” October 27, 2016, at 661 and META3047MDL-003-00160444, “Fwd: MK account + Instagram = Future FB users,” October 9, 2020, at 446, 447.

⁹⁹⁷ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 523; META3047MDL-046-00285727, “IG Youth Proposal,” at 727-729.

⁹⁹⁸ META3047MDL-003-00084997, “Rob’s Youth Update,” September 2018, at 000.

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and do include features and content that appeal to children; and second, empirical or quantitative evidence that the platform in its entirety, or portions of the platform, actually attract child users. A platform that attracts and retains users who are children is empirically more likely to be child-directed because it in fact attracts and retains such users.

455. To assess whether and to what extent Instagram is child-directed, I rely on the following evidentiary components: the extent to which Meta viewed having child users on Instagram as desirable (Subsection A); the extent to which Instagram incorporates features (Subsection B) and content (Subsection C) that are child-oriented and appealing to children; and the extent to which empirical evidence demonstrates that Instagram actually attracts and retains child users (Subsection D).

A. Meta has valued attracting tween users to Instagram

456. At least since Instagram was purchased by Meta in 2012, various publications have noted the platform's tendency to attract tweens and other youth. Coverage of the purchase noted Instagram's popularity among "young" users,⁹⁹⁹ and Instagram was described as "the social network for tweens" in an article discussing several 12-year-olds with accounts on the site. For example, one article on the tech platform CNET, published in September 2012, discussed "Instagram's ubiquity as a tweenage social network," describing the "meteoric rise in Instagram's popularity among tweens."¹⁰⁰⁰ According to that article, Nielsen ranked Instagram as the number one "photography site" for teens ages 12 to 17, with 1 million teen visitors in July of 2012.¹⁰⁰¹ A

⁹⁹⁹ Dara Kerr, "Instagram users are young and Facebook users are old," *CNET*, April 10, 2012, <https://www.cnet.com/tech/services-and-software/instagram-users-are-young-and-facebook-users-are-old/>.

¹⁰⁰⁰ Michelle Meyers, "How Instagram Became the Social Network for Tweens," September 8, 2012, *CNET*, <https://www.cnet.com/tech/services-and-software/how-instagram-became-the-social-network-for-tweens/>.

¹⁰⁰¹ Michelle Meyers, "How Instagram Became the Social Network for Tweens," September 8, 2012, *CNET*, <https://www.cnet.com/tech/services-and-software/how-instagram-became-the-social-network-for-tweens/>.

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December 2012 article which described Instagram as the “latest social media craze” reported that it was “especially popular with tweens and teens.”¹⁰⁰² Within the company itself, in 2013 Mr. Zuckerberg sent an email to high-ranking Meta executives, including Sheryl Sandberg and Alex Schultz, discussing the declining rates of 13- and 14-year-olds signing up for Facebook. In it, he hypothesized that “fewer people in the youngest demographics sign up for Facebook because they’ve already signed up for Instagram,” acknowledging that Instagram was attracting young users even before many of them had turned 13.¹⁰⁰³

457. In researching youth preferences for Instagram, Meta repeatedly recognized that the Instagram features that appealed to 12- and 13-year-olds were largely indistinguishable. Mr. Zuckerberg explicitly stated, “11 and 12 year olds aren’t so different from 13 or 14 year olds,” in a script written for a company-wide meeting.¹⁰⁰⁴ Meta used research about young teens to provide insights into tweens because it did not recognize a defined boundary between 11- and 12-year-olds, on the one hand, and 13- and 14-year-olds on the other. In other words, Meta believed the same features that would appeal to 13- and 14-year-olds would also appeal to tweens aged 12 and younger. One internal instant message conversation on how young people used messaging services explicitly described “an analysis with 13-14 year olds as a tween proxy.”¹⁰⁰⁵ As such, Meta personnel made decisions and drew insights on the basis of two critical beliefs: that tweens and teens were in many respects indistinguishable, and inhabited similar psychological universes; and that a platform build to appeal to teens would also appeal to

¹⁰⁰² Shellie Bailey-Shah, “Your Kids are using Instagram: Is it safe?” December 27, 2012, *KATU2ABC*, <https://katu.com/news/local/your-kids-are-using-instagram-is-it-safe>.

¹⁰⁰³ META3047MDL-050-00331053, “Re: Revisiting Project Family” email, July 14, 2013, at 054.

¹⁰⁰⁴ META3047MDL-014-00381713, “Teens All Hands” email thread, May 2017, at 713.

¹⁰⁰⁵ META3047MDL-003-00015900, direct message summary, April 28, 2021, at 900.

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the large and growing audience of tweens Meta knew to be using its platform.¹⁰⁰⁶ These concepts are supported by both Meta’s own internal data,¹⁰⁰⁷ and the academic literature on adolescent psychology that I discussed earlier in this report.

458. This young age group was, and remains, important to Instagram because of the view that tweens are the “funnel” through which teen and young adult users emerge. A research presentation from 2016 posed what it described as “The Big Question”—specifically, “What are the primary funnel drivers that are broken for US teens?”¹⁰⁰⁸ The presentation identified several key issues that hampered Meta’s attraction and retention of tweens and young teens, including the observation that “point-of-market entry for smartphone and app adopting in our landscape is [under] 13, but we can’t/don’t have an acquisition strategy for these youngest of teens.”¹⁰⁰⁹ Meta knew children were getting smartphones earlier, noting that 40% to 50% of 10-11-year-olds had a smartphone.¹⁰¹⁰ Meta also cited external statistics that 40% of tweens had a social media account by age 11, and more than half had one by age 12.¹⁰¹¹ The focus on acquiring users “<13” emerged years before Meta embarked on its effort to develop a separate Instagram platform for children, indicating that the company’s focus on tweens was designed to attract that audience to the main Instagram platform.

459. Another Instagram research effort the following year—in October 2017—included an extensive survey of tween use of social media, “meant as an introduction to the tween

¹⁰⁰⁶ See, for example, META3047MDL-003-00135848, “Re: Instagram Teens HPM 0 23 Jan 2017,” at 851.

¹⁰⁰⁷ See, for example, META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 530; META3047MDL-003-00016725, “Youth Landscape and Opportunities for IG,” July 2021, at 736; META3047MDL-003-00031387, “Messenger Kids: What’s in a Name?” September 2020, at 395.

¹⁰⁰⁸ META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 454.

¹⁰⁰⁹ META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 465.

¹⁰¹⁰ META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 460; META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017 at 695.

¹⁰¹¹ META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 460.

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demographic and their social media use” within Meta’s family of apps.¹⁰¹² The presentation described tweens as “similar to older peers in their phone usage.”¹⁰¹³ It noted that tweens had positive associations with Instagram which they learned from their “parents, older siblings or friends with older siblings,” and quoted tweens aged 12 and 11, respectively, stating that “most of my friends are on Instagram” and “more people my age are into Instagram.”¹⁰¹⁴ The presentation concluded by noting that, “tweens are making do with what’s been created for kids and/or teens,” but that “none of the existing apps truly fulfill tweens’ needs.”¹⁰¹⁵ Meta’s concern was that the absence of such a product compromised the company’s ability to form and retain relationships with tween users who would then graduate to use Meta’s primary platforms.¹⁰¹⁶ The solutions the presentation identified included “enable[ing] logged out consumption,”¹⁰¹⁷ presumably so that children too young to have their own accounts under Meta’s policies could still view content on and engage with Instagram.

460. Despite raising concerns about the decline of its appeal to young users, Instagram employees celebrated a measure of success in 2016 by stating that the platform had “made huge inroads into [the tween] space.”¹⁰¹⁸ Nonetheless, the company acknowledged increased competition from Snapchat and TikTok—discussed in more detail later in this report—which had “growing Tween follower base[es]” and “big press stories as the ‘kingmakers of the Tween.’”¹⁰¹⁹

¹⁰¹² META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017, at 678.

¹⁰¹³ META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017, at 690.

¹⁰¹⁴ META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017, at 707.

¹⁰¹⁵ META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017, at 714.

¹⁰¹⁶ META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 454.

¹⁰¹⁷ META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 460.

¹⁰¹⁸ META3047MDL-047-00730463, “Teen Outreach XFN H1 2017 Goals,” at 464.

¹⁰¹⁹ META3047MDL-047-00730463, “Teen Outreach XFN H1 2017 Goals,” at 464.

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461. Immediately after acquiring Instagram, Meta focused on attracting, engaging and retaining young users.¹⁰²⁰ As discussed previously, attracting young users was valuable because those users provided direct value to Meta's platforms, but also because the time and attention those users devoted to Meta's platforms meant they were not habitually using and developing relationships with competing platforms.¹⁰²¹ Tween users hold immediate value, but they also hold long-term value unmatched by other cohorts because they offer the possibility of many decades of unbroken engagement.¹⁰²² Evidence of the strategic goal to understand and retain tweens pervades Meta's internal communications, which include shorthand phrases like "u13 research,"¹⁰²³ and "age up."¹⁰²⁴ In the time since its acquisition of Instagram, Meta has also implemented and maintained many features on Instagram that its research had shown would appeal to tweens, and actively sought out Instagram content that it knew would appeal to tweens.

B. Instagram contains many features that make the platform appeal to tweens

462. In this section, I examine Instagram's features to assess whether the platform appeals to children. When Meta acquired Instagram in 2012, the platform as it existed then contained features that appealed to and acted as a hook for young users. Meta quickly expanded Instagram's features to include videos and live broadcasting which proved to be particularly appealing to young users. Over time, Meta incorporated features similar to those on other social media platforms, including Snapchat and TikTok, with which it competed for tween users.

¹⁰²⁰ See, for example, META3047MDL-003-00134443, "US Teens & Growth," October 6, 2016, at 454.

¹⁰²¹ See, for example, META3047MDL-003-00134648, "2017 Teens Strategic Focus," October 27, 2016.

¹⁰²² See, for example, META3047MDL-047-00995641, "Long Term Retention: The Young Ones are the Best Ones and Other Learnings," November 2018, at 642, and META3047MDL-003-00029661, "Aging-up of Youth," at 663.

¹⁰²³ See, for example, META3047MDL-003-00135848, "Re: Instagram Teens HPM 0 23 Jan 2017," at 851.

¹⁰²⁴ See, for example, META3047MDL-003-00160444, "Fwd: MK account + Instagram = Future FB users," October 9, 2020, at 445.

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Moreover, after Meta abandoned its plans to develop a separate app for tweens, as detailed above in Section XVI.C, the company introduced new features on Instagram that were inspired by its research into tween behavior and engagement patterns.

i. Instagram’s original features appeal to tweens

463. Many of Instagram’s foundational features appealed and continue to appeal to children under the age of 13. As noted above, in the early 2010s, Instagram was perceived to be particularly appealing to tweens.¹⁰²⁵

464. One foundational component of Instagram that appeals to children is the “Like” feedback button. As noted above, adolescents are particularly interested in and responsive to peer feedback,¹⁰²⁶ and research shows that “Likes” and other positive responses on social media exploit this psychological need.¹⁰²⁷ The Like button, introduced in 2010, prior to Meta’s purchase of Instagram,¹⁰²⁸ provided tweens with a vehicle for the social feedback rewards that users of their demographic tend to crave.¹⁰²⁹ During its research into a children’s version of

¹⁰²⁵ See, for example, Michelle Meyers, “How Instagram Became the Social Network for Tweens,” September 8, 2012, *CNET*, <https://www.cnet.com/tech/services-and-software/how-instagram-became-the-social-network-for-tweens/>.

¹⁰²⁶ Crone, E.A., & Konijn, E.A. (2018), “Media use and brain development during adolescence,” *Nature Communications*, 9:588; da Silva Pinho, A., Céspedes Izquierdo, V., Lindström, B., & van den Bos, W. (2024), “Youths’ sensitivity to social media feedback: A computational account,” *Science Advances*, 10:eadp8775; Burrow, A. L., & Rainone, N. (2017), “How many likes did I get? Purpose moderates links between positive social media feedback and self-esteem,” *Journal of Experimental Social Psychology*, 69:232–236; Smith, D., Leonis, T., & Anandavalli, S. (2021), “Belonging and loneliness in cyberspace: Impacts of social media on adolescents’ well-being,” *Australian Journal of Psychology*, 73:12–23; Timeo, S., Riva, P., & Paladino, M. P. (2020), “Being liked or not being liked: A study on social-media exclusion in a preadolescent population,” *Journal of Adolescence*, 80:173–181.

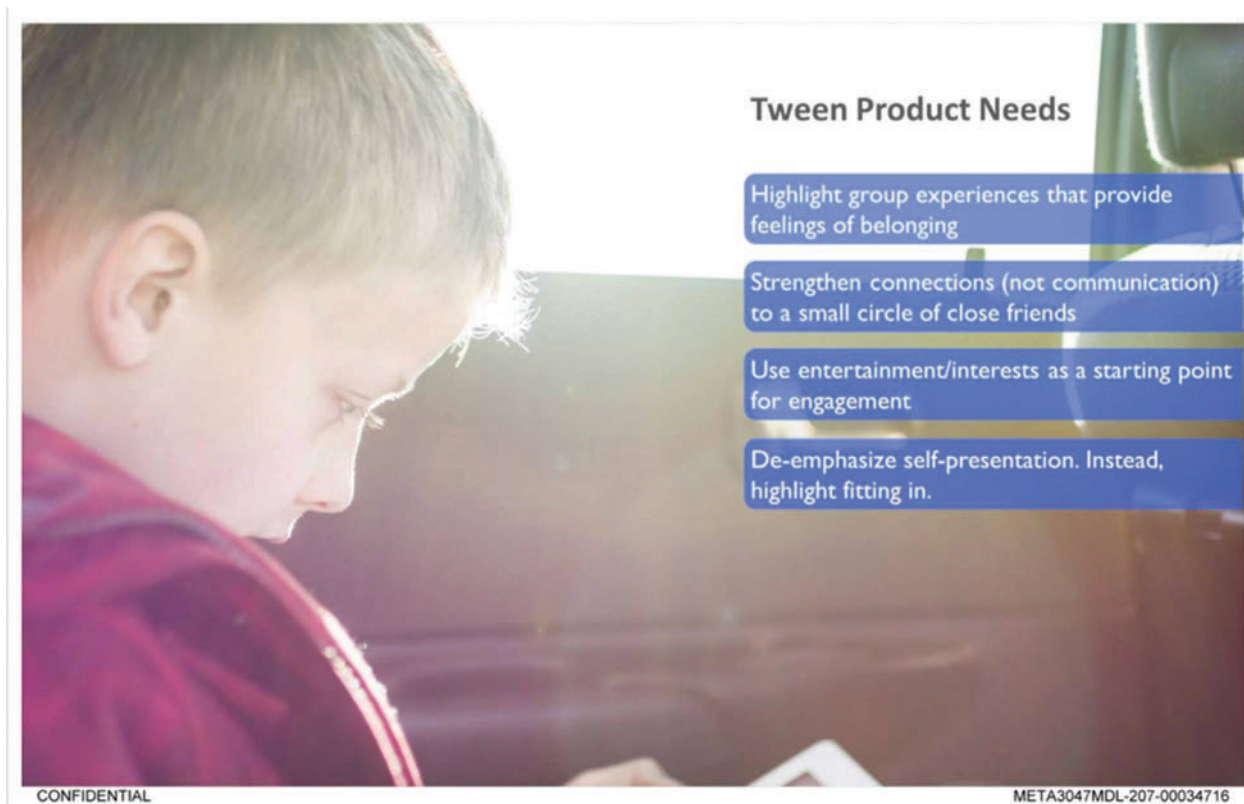
¹⁰²⁷ For an extended discussion of such variable reward cues, and how they function to ensnare social media users, see: Alter, A. L. (2017), *Irresistible: The rise of addictive behavior and the business of keeping us hooked*, New York: Penguin Press. For a classic treatise, see: Ferster, C. B., & Skinner, B. F. (1957), *Schedules of reinforcement*, New York: Appleton-Century-Crofts; for a more recent review, see: Staddon, J. E. R., & Cerutti, D. T. (2003), “Operant conditioning,” *Annual Review of Psychology*, 54:115–144.

¹⁰²⁸ <https://instagramseo1.medium.com/the-evolution-of-instagram-likes-from-double-taps-to-emojis-6ac83f502397>.

¹⁰²⁹ See, e.g., Swann, W. B., Jr. (1983), “Self-verification: Bringing social reality into harmony with the self,” In

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Figure 25. Meta’s 2017 survey of tweens and social media concluded with a series of “tween product needs”¹¹³⁹



491. Instagram’s capacity to present users with content that mirrors their interests is critical to the platform’s appeal. An Instagram blog post from 2023 translated this matching algorithm for lay audiences: “To find photos and videos you might be interested in, we look at past activity such as posts you’ve liked, saved, shared and commented on in the past.”¹¹⁴⁰ The same post explained that, using that information, Instagram “personalize[s] the experience for you to try to strike a balance between content from accounts you follow with content from accounts you don’t follow but might be interested in.”¹¹⁴¹ In tailoring the platform to each individual’s attitudes,

¹¹³⁹ META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017 at 716.

¹¹⁴⁰ <https://about.instagram.com/blog/announcements/instagram-ranking-explained>.

¹¹⁴¹ <https://about.instagram.com/blog/announcements/instagram-ranking-explained>.

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preferences, and behaviors, Instagram presents a personalized experience that reflects the psychographic profile of each user—including, critically, the profiles of users who are aged 12 years and under.

492. In an internal study, one teen survey respondent explained the power of this tailored feed to capture attention for extended periods of time: “I spend all my time on the Explore page and I’m never on the actual Home Page. I’d give myself an hour and a half maybe on the Home page, and I’d give myself an hour on the Explore page. [Explore] is almost like TikTok, when I get onto it I can’t stop.”¹¹⁴² Additionally, as described in Meta’s internal documents, and detailed earlier,¹¹⁴³ the same content that appeals to young teens is appealing to children under 13, so a feed that targets the interests of a 13- or 14-year-old will also appeal to many 11- and 12-year-olds.

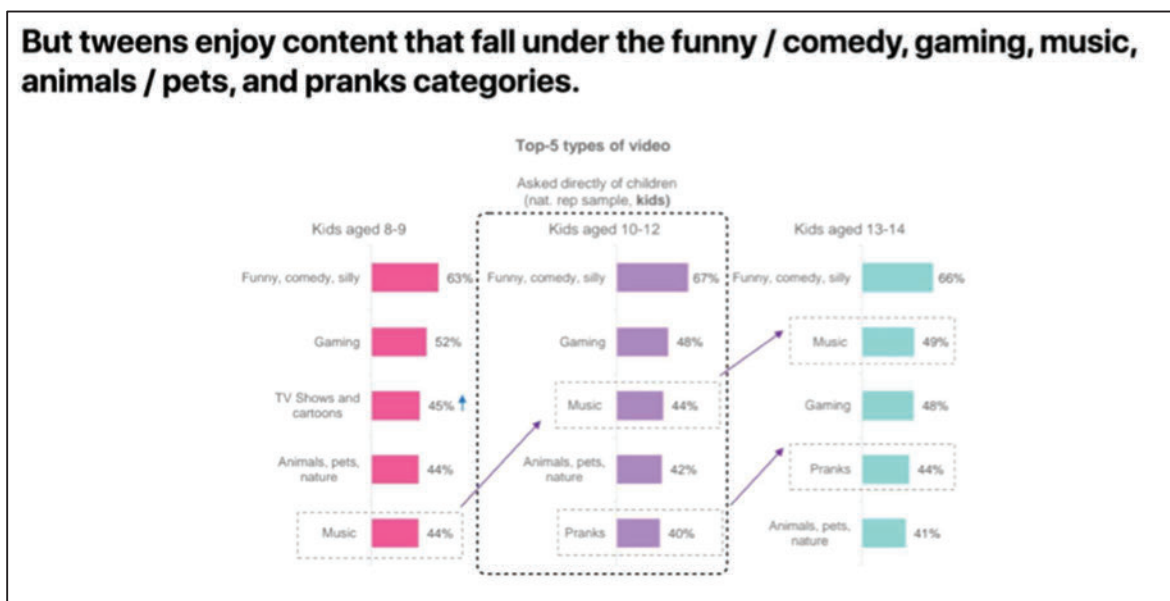
493. Meta has spent considerable resources identifying the specific interests that are likely to appeal to young teen, and by extension tween, users. The company noted that, “[y]oung teens see more content related to pop culture like tv & movies and music,”¹¹⁴⁴ and gravitate towards content that expresses, among other characteristics, humor, and that focuses on, among other topics, gaming or music (see Figure 26 below). Though Meta distinguishes between tweens and teens in this presentation, its findings highlight the behavioral and attitudinal similarities between young teens and their slightly younger peers, implying that teen-targeted content is similarly appealing to tweens.

¹¹⁴² META3047MDL-003-00020827, “Beyond the Individual User: Understanding Products through the Household Ecosystem,” March 2021 at 0852.

¹¹⁴³ See, for example, META3047MDL-003-00015900, direct message summary, April 28, 2021.

¹¹⁴⁴ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 529.

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Figure 26. Tween video topics from survey on “Short Form Video Landscape for Kids”¹¹⁴⁵

494. Instagram also leveraged partnerships with influencers, internally referred to as “creators,” to ensure content on the platform was appealing to tweens and young teens.¹¹⁴⁶ A 2018 internal email titled “Creator Examples for Zuck Meeting” states that “young creators are native to mobile creation and understand how to capture and grow a loyal teen audience... We are targeting this new class of creator for IG TV.”¹¹⁴⁷ Meta specifically indicated that it was seeking creators with a “high teen following (resonating with 13-15 year olds).”¹¹⁴⁸ Meta employees argued for “filter[ing] for only real teen partners (12–18)” in discussing how to “reach the most global (or US) every day teens in the most compelling ways.”¹¹⁴⁹ In this case, Meta’s definition of “real teen partners” explicitly included 12-year-olds. On several occasions Meta

¹¹⁴⁵ META3047MDL-004-00003522, “IG Youth: Tween Needs,” at 530.

¹¹⁴⁶ See, for example, Antony Deposition, 144:4-8.

¹¹⁴⁷ META3047MDL-065-00475879, “Creator Examples for Zuck Meeting,” January 19, 2018 at 879, (Antony Deposition, Exhibit #4).

¹¹⁴⁸ META3047MDL-065-00475879, “Creator Examples for Zuck Meeting,” January 19, 2018 at 879 (Antony Deposition, Exhibit #4).

¹¹⁴⁹ META3047MDL-074-00143512, “Re: Partners (sic) w/ high teen followings,” October 2017, at 512.

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Table 15. Meta studied the number of children on Instagram, consistently finding a significant number of children and tweens on the platform

Year of Meta Study	Meta Estimate of Child Users
2017	"[A]s age increases (5- to 12-year-olds), so does the self-reported proportion of U13 year olds with FB and IG accounts (5-30%)" ¹²⁰²
2017	Meta survey of parents showed that "[b]y age 12, ~ 25% of pre-teens [were] (presumably) using Instagram" and that "by age 12, roughly 50% of 12 year olds either use an account or have asked for one." ¹²⁰³
2018	"Looking at people we predict to be 13 and 14 today, we can estimate that there were 4M people under 13 in 2015 on IG ... around 30% of all 10-12 years old in the US." ¹²⁰⁴
2020	22% of 6- to 9-year-olds and 35% of 10- to 12-year-olds reported having used Instagram in the past month. ¹²⁰⁵
2020	14% of 6-9-year-olds and 21% of 10-12-year-olds reported that most of their friends were on Instagram . ¹²⁰⁶
2021	"A majority of 12 year olds and about half of 11 year olds screened are on IG already in some capacity." ¹²⁰⁷

512. Documents and studies from across the last decade demonstrate that Meta has devoted considerable resources to studying and cataloguing the attitudes, beliefs, values, behaviors, and needs of tweens, and has used the output of that research to introduce tween-focused features and content to Instagram. These child-oriented elements have enabled Meta to attract millions of daily users aged 12-years and below, and Instagram is aware that this illicit, underage audience represents a significant population among its base of users.

¹²⁰² META3047MDL-003-00135848, "Re: Instagram Teens HPM 0 23 Jan 2017," at 851.

¹²⁰³ META3047MDL-047-00608197, "Project Neo Understand: IG-Relevant Data," 2017, at 197-198.

¹²⁰⁴ META3047MDL-014-00133662, "H2/H1 2018 Youth Team Review," 2018, at 666.

¹²⁰⁵ META3047MDL-003-00124140, "Messenger Kids: Next Steps App Profile," October 2020 at 4191.

¹²⁰⁶ META3047MDL-003-00124140, "Messenger Kids: Next Steps App Profile," October 2020 at 4207.

¹²⁰⁷ META3047MDL-172-00000001, [REDACTED] post in Youth Team needs approval," Direct Messages, August 31, 2021, at 001. See, also, META3047MDL-003-00031387, "Messenger Kids: What's in a Name?" September 2020, at 1411, another 2020 Meta study of "children" and "tweens" aged 6-13 which reported similar usage rates among peers.

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XVIII. EVALUATION OF THE CHILD-DIRECTEDNESS OF PORTIONS OF INSTAGRAM

513. As established above, Instagram has child users, and many of the platform's core features appeal to children. In this section, I review several accounts that illustrate how the platform appeals to audiences under the age of 13. It is my opinion that these accounts appeal to children because they feature child models and celebrities; discuss topics of interest to children and tweens; and incorporate the visual features Instagram provides that appeal to children, including camera filters or animated stickers. Further, these accounts include evidence that under-13 users are among those following and interacting with the profile. These examples illustrate many of the features and types of content that Meta employed in its pursuit of tween users (and as discussed in the previous section).

514. As discussed in Section XV, above, teens tend to pay close attention to other teens who are the same age as or older than they are, and to devote relatively little attention to tweens. Meta's own documents note: "Tweens are teen-aspirational."¹²⁰⁸ Consequently, the primary audience captured by an 11-year-old is likely to consist of children who are themselves 11-years-old or younger in age.

A. [REDACTED]

515. [REDACTED] is a social media influencer born in [REDACTED] 2007.¹²⁰⁹ She has 5.7 million followers on Instagram as of March 4, 2024.¹²¹⁰ Many of [REDACTED]'s posts from her tween years focus on subject matter that other tweens and children are likely interested in, such as toys, bows, and fashion. She also frequently posts alongside other children, including with other child

¹²⁰⁸ META3047MDL-020-00428695, "Tweens & Early Teens," August 2021, at slide 3.

¹²⁰⁹ <https://www.imdb.com/name/nm9268291/>.

¹²¹⁰ [https://www.instagram.com/\[REDACTED\]/?hl=en](https://www.instagram.com/[REDACTED]/?hl=en).

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influencers, and uses playful camera filters, such as those adding animal ears. Additionally, [REDACTED] had several sponsored posts by brands targeting child users. [REDACTED]'s account is very popular; she reached one million followers on Instagram in February 2019 when she was 11 years old.¹²¹¹ On posts celebrating her 11th and 12th birthdays, many followers indicated that they too were under 13 years old.

516. Figure 30 through Figure 34 show examples of her content that is child-oriented, which together indicate her account in the years before she turned 13 was directed to children. Figure 30 also contains a comment appearing to disclose that the poster is 9 years old, as she will turn 10 on August 12.

¹²¹¹ https://www.instagram.com/p/Bto1glHlstT/?img_index=1. Fewer than 1% of accounts on Instagram have over a million followers as of 2023. See, <https://mention.com/en/reports/instagram/followers/>.

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Figure 30. Post celebrating ██████'s squishies (stuffed animal) collection, including comment from 9-year-old user¹²¹²



¹²¹² <https://www.instagram.com/p/BSiN8XuDDmB>.

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Figure 31. Post from 2017 with camera filter effects¹²¹³

¹²¹³ [https://www.instagram.com/\[redacted\]/p/BXB9_mJDRBc/?hl=en](https://www.instagram.com/[redacted]/p/BXB9_mJDRBc/?hl=en).

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Figure 32. 2018 post of [REDACTED] with [REDACTED], another popular young social media influencer who had two million followers by May 2019¹²¹⁴



¹²¹⁴ <https://www.instagram.com/p/Bd6m20aD8u7/>;
[https://web.archive.org/web/20190526134116/https://www.instagram.com/\[REDACTED\]/](https://web.archive.org/web/20190526134116/https://www.instagram.com/[REDACTED]/).

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Figure 33. 2018 sponsored post for Party Popteenies toys¹²¹⁵



¹²¹⁵ <https://www.instagram.com/p/Bn6pUzXjiY5/>.

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Figure 34. [REDACTED]'s 11th birthday post¹²¹⁶

517. [REDACTED]'s post caption read, "COMMENT your birthday down below," and a number of commentors did so with birthdays that indicate they were not yet 13 on August 21, 2018:

"November 10 2007"¹²¹⁷

"March 24th 2006"¹²¹⁸

"August 21 2007"¹²¹⁹

"June 30 2008"¹²²⁰

"August 22nd 2007"¹²²¹

¹²¹⁶ https://www.instagram.com/p/BmvmDCABoui/?img_index=1.

¹²¹⁷ https://www.instagram.com/p/BmvmDCABoui/c/17867085623381513/?img_index=1.

¹²¹⁸ https://www.instagram.com/p/BmvmDCABoui/c/17904362347746309/?img_index=1.

¹²¹⁹ https://www.instagram.com/p/BmvmDCABoui/c/17908063417645277/?img_index=1.

¹²²⁰ https://www.instagram.com/p/BmvmDCABoui/c/18113179066089921/?img_index=1.

¹²²¹ https://www.instagram.com/p/BmvmDCABoui/c/17930906233402656/?img_index=1.

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“november 11 2008”¹²²²

“August 20th 2007”¹²²³

“My birthday is July 16th 2007”¹²²⁴

“28 August 2007 ❤️ ❤️ 🥰 🥰 🥰 🥰”¹²²⁵

“My brithday is January2 2011”¹²²⁶

“2010 July 5th”¹²²⁷

“March 25,2006”¹²²⁸

“July 1th 2010”¹²²⁹

“September 6th 2006”¹²³⁰

“My birthday is July 20th 2010”¹²³¹

“24 august 2008”¹²³²

“August 20 2008”¹²³³

“August 18 2007”¹²³⁴

“January 18 2009”¹²³⁵

“My b-day is November 21st so you are 3 mouths older than me I am 11 right now I have a big feeling that you will not respond”¹²³⁶

“OCTOBER 30th 2007”¹²³⁷

-
- ¹²²² https://www.instagram.com/p/BmvmDCABoui/c/17901717793465693/?img_index=1.
 - ¹²²³ https://www.instagram.com/p/BmvmDCABoui/c/17865328129777630/?img_index=1.
 - ¹²²⁴ https://www.instagram.com/p/BmvmDCABoui/c/17855565523713325/?img_index=1.
 - ¹²²⁵ https://www.instagram.com/p/BmvmDCABoui/c/17869991200550620/?img_index=1.
 - ¹²²⁶ https://www.instagram.com/p/BmvmDCABoui/c/18076009714181362/?img_index=1.
 - ¹²²⁷ https://www.instagram.com/p/BmvmDCABoui/c/18112891237032961/?img_index=1.
 - ¹²²⁸ https://www.instagram.com/p/BmvmDCABoui/c/17982756916283436/?img_index=1.
 - ¹²²⁹ https://www.instagram.com/p/BmvmDCABoui/c/18022434922240769/?img_index=1.
 - ¹²³⁰ https://www.instagram.com/p/BmvmDCABoui/c/18056357998172661/?img_index=1.
 - ¹²³¹ https://www.instagram.com/p/BmvmDCABoui/c/18035183314204040/?img_index=1.
 - ¹²³² https://www.instagram.com/p/BmvmDCABoui/c/17866694989484830/?img_index=1.
 - ¹²³³ https://www.instagram.com/p/BmvmDCABoui/c/18067861393137667/?img_index=1.
 - ¹²³⁴ https://www.instagram.com/p/BmvmDCABoui/c/17873064226450246/?img_index=1.
 - ¹²³⁵ https://www.instagram.com/p/BmvmDCABoui/c/17860368238495580/?img_index=1.
 - ¹²³⁶ https://www.instagram.com/p/BmvmDCABoui/c/17871692482441497/?img_index=1.
 - ¹²³⁷ https://www.instagram.com/p/BmvmDCABoui/c/18010902463231339/?img_index=1.

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“July 14 I just turned 11”¹²³⁸

“HBD (same day as urs) August 21 2007”¹²³⁹

“August 10th 2007”¹²⁴⁰

“April 20 2010”¹²⁴¹

“Same year”¹²⁴²

“8.5.2007 ❤️”¹²⁴³

“July 13 2011”¹²⁴⁴

“20.7. 2007”¹²⁴⁵

“March 25th 2006”¹²⁴⁶

B. [REDACTED]

518. [REDACTED] is a social media influencer born in [REDACTED] 2014.¹²⁴⁷ He has 473,000 followers as of March 11, 2024. Posts on [REDACTED]’s profile focus on subject matter likely to appeal to children such as candy, Roblox, and toys. He also posts original music with child-oriented names such as “Let’s Play.” Other posts on his page include animated overlays, and users have commented they are the same age as [REDACTED], under 13.

519. Figure 35 through Figure 38 below show examples of his content that is child-oriented, which together indicate that his account is directed to children.

¹²³⁸ https://www.instagram.com/p/BmvmDCABoui/c/18020658292213913/?img_index=1.

¹²³⁹ https://www.instagram.com/p/BmvmDCABoui/c/18047337679151738/?img_index=1

¹²⁴⁰ https://www.instagram.com/p/BmvmDCABoui/c/18082969600008999/?img_index=1.

¹²⁴¹ https://www.instagram.com/p/BmvmDCABoui/c/17999880679242912/?img_index=1.

¹²⁴² https://www.instagram.com/p/BmvmDCABoui/c/18059166937116506/?img_index=1.

¹²⁴³ https://www.instagram.com/p/BmvmDCABoui/c/17844811594501344/?img_index=1.

¹²⁴⁴ https://www.instagram.com/p/BmvmDCABoui/c/17907838414316786/?img_index=1.

¹²⁴⁵ https://www.instagram.com/p/BmvmDCABoui/c/18044324350147057/?img_index=1.

¹²⁴⁶ https://www.instagram.com/p/BmvmDCABoui/c/18030798604194684/?img_index=1.

¹²⁴⁷ [https://www.instagram.com/\[REDACTED\]/](https://www.instagram.com/[REDACTED]/).

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Figure 35. Screenshot of music video promo with animations overlaid throughout¹²⁴⁸

¹²⁴⁸ <https://www.instagram.com/p/CmSJ4DsJA6e/>.

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Figure 36. Photo of [REDACTED] falling into a bath filled with colorful candy¹²⁴⁹



¹²⁴⁹ https://www.instagram.com/p/B0XTBezH_LW/.

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Figure 37. A screenshot of a video of [REDACTED] with other notable child celebrities from the Nickelodeon Universe at a 2024 New Year's Eve celebration¹²⁵⁰



¹²⁵⁰ <https://www.instagram.com/p/C1iRPMhJL5t/>.

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Figure 38. Comment from a follower who is also 10 years old¹²⁵¹**C. Kids [REDACTED] Show**

520. [REDACTED] Kidisyuk, a 10 year-old born in [REDACTED] 2014, is a YouTuber with 658,000 followers on Instagram.¹²⁵² She is primarily known for her show Kids [REDACTED] Show, having been nominated for a Kids' Choice Award as "fav female creator."¹²⁵³ Posts on [REDACTED]'s page feature subject matter that appeals to children such as plans for summer break from school, gymnastics play gyms, and arcade games. She posts with other famous child influencers, such as

¹²⁵¹ https://www.instagram.com/p/C7XXZpxy321/c/18009245324583607/?img_index=1.

¹²⁵² [https://www.instagram.com/\[REDACTED\]/?hl=en](https://www.instagram.com/[REDACTED]/?hl=en).

¹²⁵³ <https://www.instagram.com/p/C76nBRooiXM>.

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her brother, [REDACTED], also a popular YouTuber.¹²⁵⁴ Her posts also feature visuals that appeal to children such as balloons and animated overlays and youthful pop songs.

521. Figure 39 through Figure 42 show examples of her content that is child-oriented, which together indicate that her account is directed to children.

Figure 39. Kid's Choice Nomination¹²⁵⁵



¹²⁵⁴ [https://www.youtube.com/@\[REDACTED\]](https://www.youtube.com/@[REDACTED]).

¹²⁵⁵ <https://www.instagram.com/p/C76nBRooiXM/>.

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Figure 40. Various animated visual elements included throughout video¹²⁵⁶

¹²⁵⁶ [https://www.instagram.com/p/\[redacted\]/](https://www.instagram.com/p/[redacted]/).

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Figure 41. 10 year-old [REDACTED] pictured with friends of similar age¹²⁵⁷



¹²⁵⁷ https://www.instagram.com/p/DAJBGeboCTP/?img_index=1.

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Figure 42. Comment by user on birthday post indicating that user is under 13¹²⁵⁸

D. [REDACTED]

522. [REDACTED] is an 11-year-old social media personality born in [REDACTED] 2013 best known for being the youngest member of the Rock Squad,¹²⁵⁹ a “modern YouTube Family Channel.”¹²⁶⁰ The Rock Squad is also prevalent on Instagram where they have 218,000 followers as of April 9, 2025.¹²⁶¹ [REDACTED] has 446,000 followers as of April 9, 2025.¹²⁶² Her content primarily consists of Reels in which [REDACTED] dances with friends. [REDACTED] can be seen in engaging in activities that are relevant to her age demographic through dozens of her posts. She also posts original

¹²⁵⁸ https://www.instagram.com/p/C5NbrNFtkL6/c/18026969512846982/?img_index=1.

¹²⁵⁹ [https://www.famousbirthdays.com/people/\[REDACTED\].html](https://www.famousbirthdays.com/people/[REDACTED].html).

¹²⁶⁰ <https://www.youtube.com/@THEROCKSQUAD>.

¹²⁶¹ <https://www.instagram.com/therocksquad/?hl=en>.

¹²⁶² [https://www.instagram.com/\[REDACTED\]/?hl=en](https://www.instagram.com/[REDACTED]/?hl=en).

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music videos with dances targeted to children. Other posts on her page include posts with other child celebrities and users have commented that they are also under 13-years-old.

523. Figure 43 through Figure 46 below show examples of her content that is child-oriented, which together indicate that her account is directed to children.

Figure 43. [REDACTED] and her friend dressed in silly costumes, namely Winnie the Pooh and a chicken (not Halloween related)¹²⁶³



¹²⁶³ https://www.instagram.com/p/C_vOQgEpoGO/?hl=en.

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Figure 44. Reel promoting release of music video by the Rock Squad¹²⁶⁴



¹²⁶⁴ <https://www.instagram.com/p/DC4xfX7h1u1/?hl=en>.

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Figure 45. Reel featuring [REDACTED] and other members of the Rock Squad¹²⁶⁵



¹²⁶⁵ https://www.instagram.com/p/C_x_A79J93H/?hl=en.

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Figure 46. ██████'s 11th birthday post with a comment by a 12-year-old Instagram member¹²⁶⁶



E. ██████

524. ██████ is a 14-year-old skin care social media influencer born in ██████, 2011.¹²⁶⁷ She has 138,000 followers as of April 9, 2025.¹²⁶⁸ Posts on ██████'s profile focus on ██████ doing her skin care and makeup, an increasingly popular topic amongst tween girls, as discussed above.¹²⁶⁹ “Get Ready With Me” videos have become increasingly popular with children as young as 8 years old. The videos of younger creators have been labelled “Toddler

¹²⁶⁶ https://www.instagram.com/p/C6oOlaluK6A/c/18258633820216612/?hl=en&img_index=1.

¹²⁶⁷ <https://www.famousbirthdays.com/people/████████.html>.

¹²⁶⁸ <https://www.instagram.com/████████/>.

¹²⁶⁹ <https://www.npr.org/sections/shots-health-news/2024/07/12/nx-s1-4990677/teens-skin-care-social-media-tweens-tiktok-influencers>.

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Get Ready With Me content.”¹²⁷⁰ “Get Ready With Me” videos and Gen Alpha’s interest in skincare have been the subject of much discussion online, with Gen Alpha tweens being dubbed Sephora Kids.¹²⁷¹ [REDACTED]’s account name, [REDACTED], contains an acronym for Get Ready With Me. While she gets ready, she discusses subject matter likely to appeal to children such as school, skin care products and shopping, and she features other children in her posts.

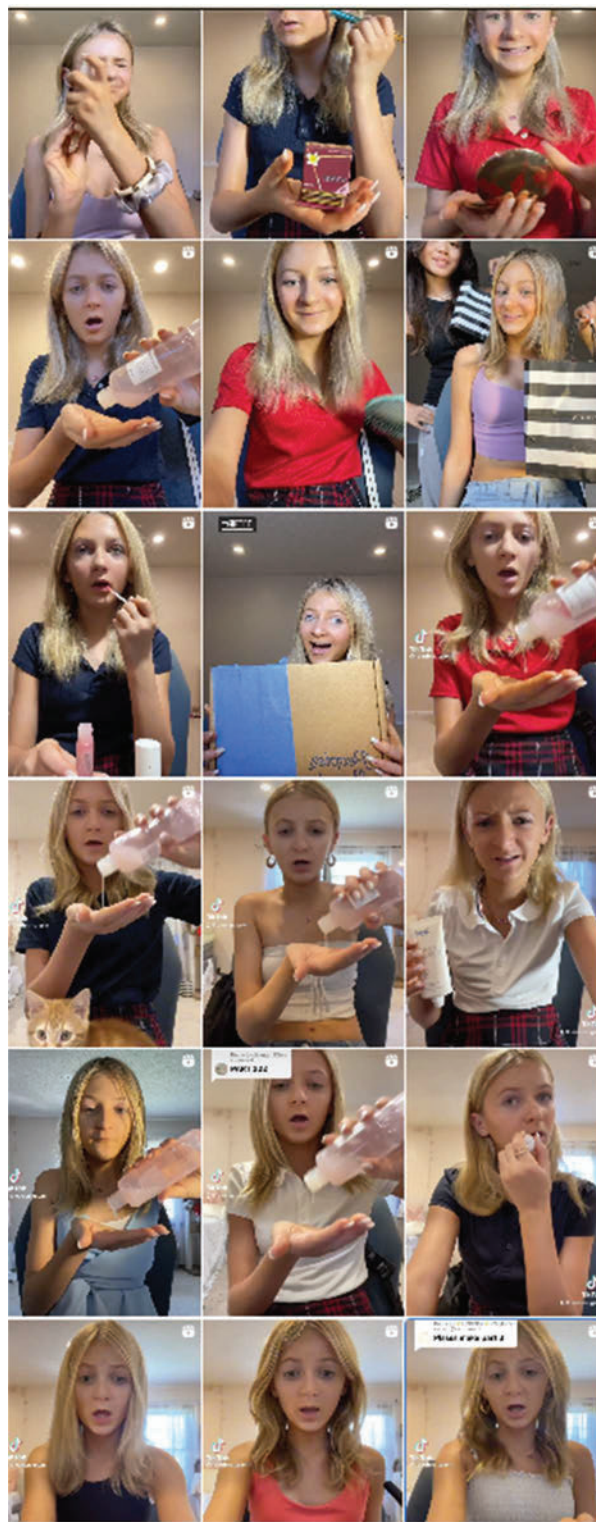
525. Figure 47 through Figure 50 below show examples of her content that is child-oriented, which together indicate that her account is directed to children.

¹²⁷⁰ <https://www.redbrick.me/the-influx-of-sephora-kids-and-toddler-get-ready-with-me-videos/>.

¹²⁷¹ <https://abcnews.go.com/US/gen-alpha-takes-skin-care-social-media-scene/story?id=107225927>, <https://phillipian.net/2024/02/08/are-makeup-and-social-media-the-reasons-why-tweens-are-going-extinct/>, <https://www.goodto.com/family/family-news/back-to-school-grwm-videos-viral-online-parenting-expert-warns-massive-safeguarding-issue-parents-ignore>, <https://www.cbc.ca/news/canada/sephora-kids-trend-controversy-1.7088691>.

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Figure 47. [REDACTED]'s account features a series of Get Ready With Me videos



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directed because it in fact attracts and retains such users.

528. Together, I rely on these evidentiary components—the extent to which Meta viewed having child users on Facebook as desirable (Subsection A); the extent to which Facebook incorporates child-focused features and content (Subsection B); the extent to which empirical evidence demonstrates that Facebook attracts and retains child users (Subsection C)—to assess whether and to what extent Facebook is child-directed.

A. Facebook has always targeted younger users

529. According to documents produced in this case, Meta spent much of Facebook’s existence devising and testing strategies designed to attract children and tweens, and many of the studies and research projects administered during this period were conducted in the service of such strategies.¹²⁷⁵ To examine the problem empirically and strategically, Meta often conducted research studies that elided the boundary between tweens and teens, conceiving of and examining those audiences through the same analytic lens.¹²⁷⁶

i. Meta began targeting younger users shortly after it was launched

530. When TheFacebook was launched in 2004, users were required to have an email address issued by a college or university to register.¹²⁷⁷ Following college students, high school students were among the first targeted segments of the population.¹²⁷⁸ The company’s pursuit of young users continued as Meta allowed users without an educational email address to access the

¹²⁷⁵ See, for example, META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016; META3047MDL-003-00134648, “2017 Teens Strategic Focus,” October 27, 2016; and META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017.

¹²⁷⁶ See, for example, META3047MDL-003-00016725, “Youth Landscape and Opportunities for IG,” July 2021.

¹²⁷⁷ <https://www.nytimes.com/2006/09/12/technology/12online.html>.

¹²⁷⁸ <https://www.cnn.com/interactive/2019/02/business/facebook-history-timeline/index.html>.

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platform from 2006,¹²⁷⁹ and lowered the official registration age to 13 years.¹²⁸⁰

531. Despite officially limiting the platform to users aged 13 years and above, a number of reports highlighted that a meaningful number of children were using Facebook as early as 2011. According to Consumer Reports, for example, “7.5 million children under the age of 13 were using the site, including more than five million under the age of 10.”¹²⁸¹ A 2011 Microsoft Research study found that “36% of parents were aware that their children joined Facebook before age 13 and that a substantial percentage of those parents helped their kids in the effort.”¹²⁸² Another study published that same year from First Monday showed that 55% of 12-year-olds had a Facebook account, as shown in Figure 51, below.

¹²⁷⁹ <https://www.nytimes.com/2006/09/12/technology/12online.html>.

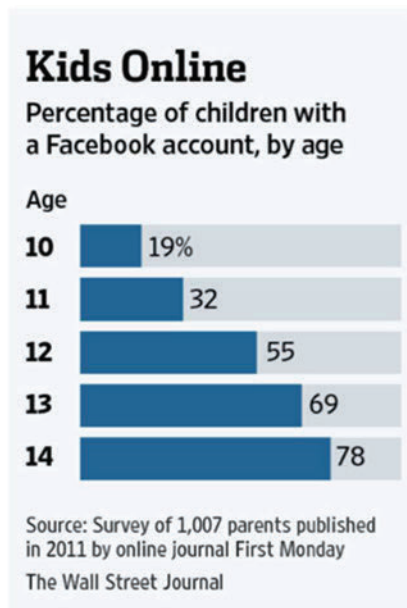
¹²⁸⁰ <https://www.cnn.com/interactive/2019/02/business/facebook-history-timeline/index.html>.

¹²⁸¹ Anton Troianovski and Shayndi Raice, “Facebook Explores Giving Kids Access,” *Wall Street Journal*, June 4, 2012, <http://online.wsj.com/article/SB10001424052702303506404577444711741019238.html>.

¹²⁸² Anton Troianovski and Shayndi Raice, “Facebook Explores Giving Kids Access,” *Wall Street Journal*, June 4, 2012, <http://online.wsj.com/article/SB10001424052702303506404577444711741019238.html>.

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Figure 51. First Monday survey of parents showing percentage of children with a Facebook account from 2011¹²⁸³



532. Meta personnel, including those at the company’s highest levels, believed child and tween users were an asset to the platform. Mr. Zuckerberg and other senior personnel sought to retain young users on Facebook.¹²⁸⁴ Meta’s initial strategy in managing child users was to incorporate them into the primary Facebook platform, and senior executives directed Facebook’s engineers to develop technology to enable children younger than 13 to use Facebook.¹²⁸⁵ As reported by the *Wall Street Journal* in 2012, “Facebook isn’t working on a separate kids-only site, but rather, is developing buffers and parental controls that would let kids use the current site legitimately.”¹²⁸⁶ Mr. Zuckerberg, in an interview, explained Meta’s interest in such users by

¹²⁸³ Anton Troianovski and Shayndi Raice, “Facebook Explores Giving Kids Access,” *Wall Street Journal*, June 4, 2012, <http://online.wsj.com/article/SB10001424052702303506404577444711741019238.html>.

¹²⁸⁴ Anton Troianovski and Shayndi Raice, “Facebook Explores Giving Kids Access,” *Wall Street Journal*, June 4, 2012, <http://online.wsj.com/article/SB10001424052702303506404577444711741019238.html>.

¹²⁸⁵ Anton Troianovski and Shayndi Raice, “Facebook Explores Giving Kids Access,” *Wall Street Journal*, June 4, 2012, <http://online.wsj.com/article/SB10001424052702303506404577444711741019238.html>.

¹²⁸⁶ Anton Troianovski and Shayndi Raice, “Facebook Explores Giving Kids Access,” *Wall Street Journal*, June 4, 2012, http://online.wsj.com/article/SB10001424052702303506404577444711741019238.html?reflink=desktopwebshare_perma-link.

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noting that their presence would “strengthen the experience for everybody.”¹²⁸⁷

ii. Introduction of Messenger Kids as a gateway for young users

533. Over time, Meta’s strategy shifted and the company created a separate children’s app that it called Messenger Kids. As explained in more detail in Section XVI, above, Meta viewed Messenger Kids as a critical tool for establishing a pipeline of young users who would naturally come to use Meta’s other apps, including Facebook, as they aged.¹²⁸⁸ Part of Messenger Kids’ appeal was that it allowed child users to cultivate a base of online contacts that could be transported to Facebook. Meta discovered that many tweens felt Messenger Kids was too childish,¹²⁸⁹ which left them without a natural digital home within Meta’s family of apps, as they were still too young to licitly join Facebook. Meta’s two-pronged challenge was to avoid losing existing Messenger Kids users as they became tweens,¹²⁹⁰ while preventing competitors like Snapchat from attracting those tweens before they signed up for a Facebook account.¹²⁹¹

iii. Attracting tweens in order to grow the teen user base

534. As with Instagram, Meta recognized the value of attracting tweens to Facebook as a vehicle for growing its teen user base. According to one member of Facebook’s “Youth team:”¹²⁹² “We are aligned on the importance of young teens/tweens for winning teens longer term.”¹²⁹³ Put differently, Facebook would acquire, retain, and grow its teen user base more effectively if it could attract “young teens/tweens” to the platform. Accordingly, Facebook

¹²⁸⁷ <https://www.nytimes.com/2006/09/12/technology/12online.html>.

¹²⁸⁸ META3047MDL-003-00134648, “2017 Teens Strategic Focus,” October 27, 2016, at 663; META3047MDL-003-00124140, “Messenger Kids: Next Steps App Profile,” October 2020, at 239 and 251; META3047MDL-003-00134443, “US Teens & Growth,” October 6, 2016, at 461.

¹²⁸⁹ META3047MDL-003-00031387, “Messenger Kids: What’s in a Name?” September 2020, at 491.

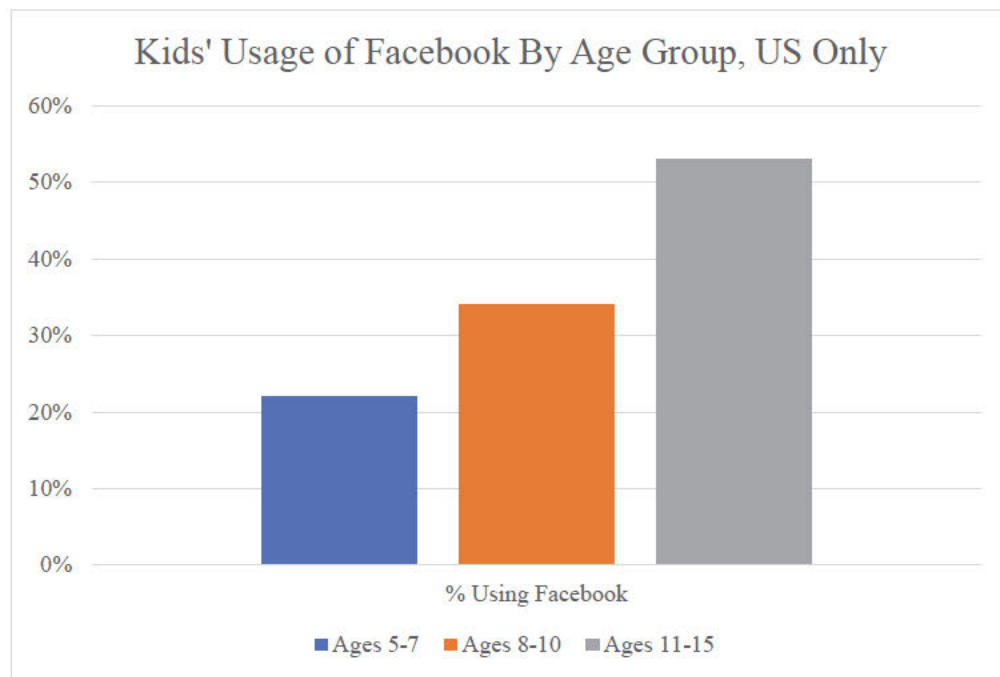
¹²⁹⁰ META3047MDL-003-00031387, “Messenger Kids: What’s in a Name?” September 2020, at 491.

¹²⁹¹ META3047MDL-207-00034678, “Digital Me: Exploring Tweens Social Media Habits,” October 2017, at 707.

¹²⁹² META3047MDL-003-00084997, “Rob’s Youth Update,” September 2018, at 023.

¹²⁹³ META3047MDL-003-00084997, “Rob’s Youth Update,” September 2018, at 021.

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Figure 60. Meta was aware that children were using Facebook¹⁴²⁰

574. In sum, Meta viewed its ability to attract children and tween users to Facebook as critical to the platform's ongoing success. Meta blurred the line between tweens and young teens, often treating them as members of a single group, studying the groups together, incorporating platform features and content that appeals to both tweens and teens, and effectively attracting users under 13 when targeting early teens. Meta focused on identifying and developing features that would keep children engaged with its family of apps, recognizing that tweens were interested in short-form video as entertainment and temporary content that allows for creativity.¹⁴²¹ Moreover, internal and external data show that Meta successfully attracted such tweens to Facebook, and that Meta was aware that Facebook's user base included a material number of children below the

¹⁴²⁰ Graph recreated from META3047MDL-003-00016725, "Youth Landscape and Opportunities for IG," July 2021, at 741.

¹⁴²¹ META3047MDL-207-00034678, "Digital Me: Exploring Tweens Social Media Habits," October 2017, at 705, 708.

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age of 13.

XX. EVALUATION OF THE CHILD-DIRECTEDNESS OF PORTIONS OF FACEBOOK

575. As demonstrated earlier, Facebook's user base includes millions of children and tweens, and many of the platform's features appeal to child and tween audiences. I would expect accounts that appeal to children to feature, among other characteristics: child models and celebrities; topics of interest to children and tweens; and visual features that appeal to children, including as A.I. camera filters and animated stickers. I would also expect to find evidence that users under the age of 13 years interact with such accounts. In this section, I review several specific profiles that contain content that appeals to children.

A. [REDACTED]

576. [REDACTED] is a 15-year-old social media influencer born in [REDACTED] 2009 who began gaining followers on social media in 2020 when she was 11-years-old.¹⁴²² She has 325,000 followers on Facebook as of March 21, 2025.¹⁴²³ [REDACTED] and her father, also a YouTuber, won a Nickelodeon Kid's Choice Award for Favorite Creator Family in 2024.¹⁴²⁴ Posts on [REDACTED]'s profile focus on subject matter likely to appeal to children such as first dates, dancing and playing with family. [REDACTED]'s posts feature other child influencers and children and users have commented that they are under 13-years-old.

577. Figure 61 through Figure 65 below show examples of her content that is child-oriented, which together indicate her account is directed to children.

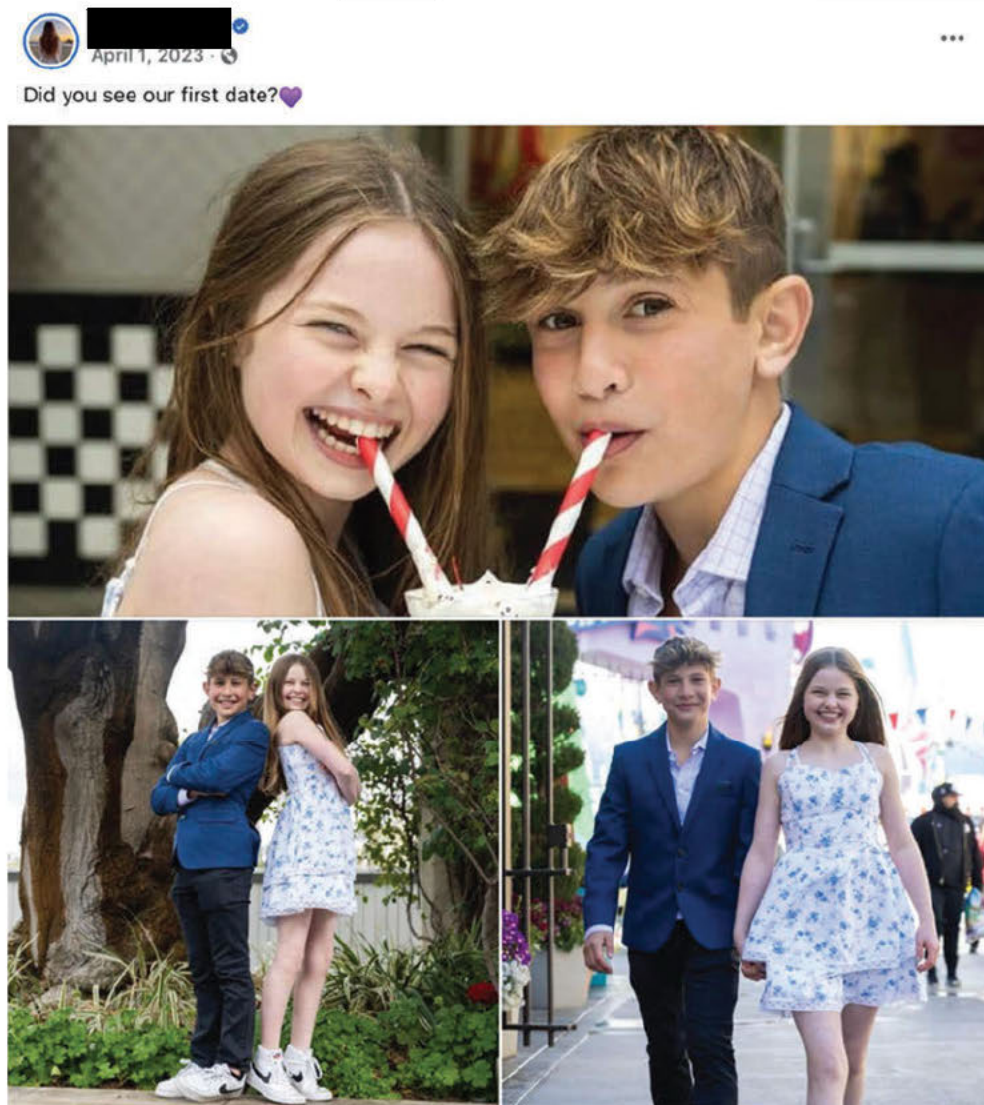
¹⁴²² [https://www.famousbirthdays.com/people/\[REDACTED\].html](https://www.famousbirthdays.com/people/[REDACTED].html).

¹⁴²³ <https://www.facebook.com/profile.php?id=100070967029810>.

¹⁴²⁴ <https://www.nick.com/kids-choice-awards/articles/rebzs2/every-kids-choice-2024-winner>.

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Figure 61. Post documenting [REDACTED]'s first date with influencer [REDACTED] 1425



1425 <https://www.facebook.com/share/p/16BoNyVr5H/>.

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Figure 62. Reel featuring 13-year-old [REDACTED] and 14-year-old influencer [REDACTED] dancing on an escalator¹⁴²⁶



¹⁴²⁶ <https://www.facebook.com/share/r/15z7bWR6za/>.

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Figure 63. Post featuring [REDACTED] burying her dad in sand at the beach¹⁴²⁷



¹⁴²⁷ <https://www.facebook.com/share/p/18vE5CimQp/>.

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Figure 64. [REDACTED] and [REDACTED] at the Nickelodeon Kids' Choice Awards¹⁴²⁸

¹⁴²⁸ <https://www.facebook.com/share/p/15WhFCZp7B/>.

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Figure 65. 8-year-old commenting on post¹⁴²⁹

B. █

578. █ is a 9-year-old social media influencer born in █ 2015.¹⁴³⁰ Her YouTube channel, “A for █ – Learning for Fun”, has 7.8 million subscribers.¹⁴³¹ Her

¹⁴²⁹

https://www.facebook.com/permalink.php?story_fbid=pfbid0f7Q5KFtidgGdPFXxEMmKzwq7cJK4McHePbVGhndnUs3Wu3VGkvgzwEidKz8wwugal&id=100070967029810&comment_id=137882809274545.

¹⁴³⁰

<https://www.famousbirthdays.com/people/█.html>.

¹⁴³¹

<https://www.youtube.com/channel/UCBJuxfqZuiibvcwSc8ViGsQ>.

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associated Facebook page is titled “A for [REDACTED]” which has 25,000 followers as of April 9, 2025.¹⁴³² She posts content which would appeal to children such as unboxing toys, a crossover with popular children’s gaming platform Roblox, and holiday craft activities. Other posts on her page include original kid-friendly music and posts featuring other children.

579. Figure 66 through Figure 70, below, show examples of her content that is child-oriented, which together indicate her account is directed to children.

¹⁴³² [https://www.facebook.com/\[REDACTED\]/](https://www.facebook.com/[REDACTED]/).

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Figure 66. Reel showing [REDACTED] and family unboxing and playing with packages of slime¹⁴³³



¹⁴³³ <https://www.facebook.com/reel/2057162784695788>.

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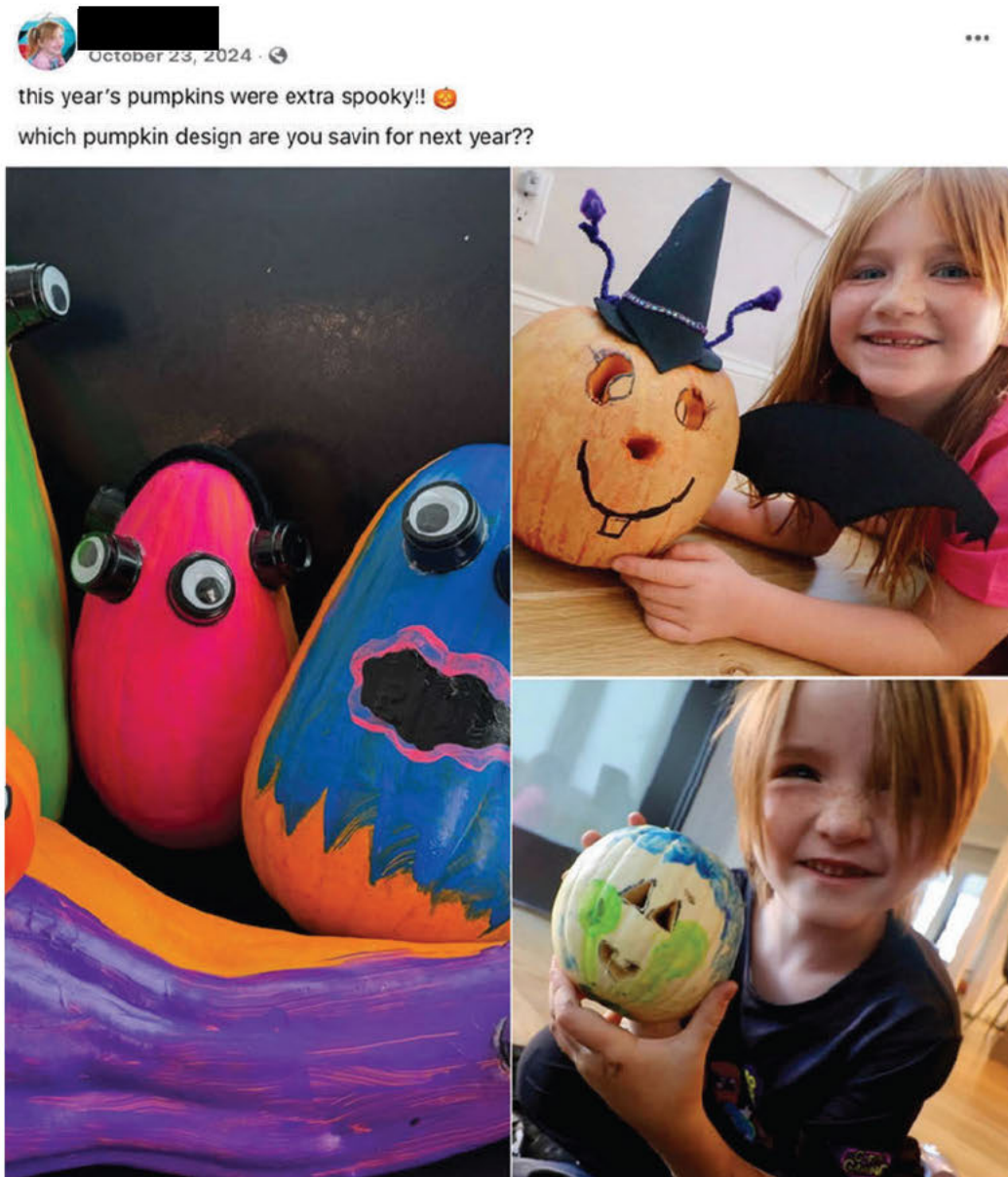
Figure 67. Reel promoting [REDACTED]'s original Roblox story¹⁴³⁴



¹⁴³⁴ <https://www.facebook.com/reel/1227213338627283>.

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Figure 68. ██████ posing with painted pumpkins¹⁴³⁵



¹⁴³⁵ <https://www.facebook.com/share/p/1BXmbjcyj2/>.

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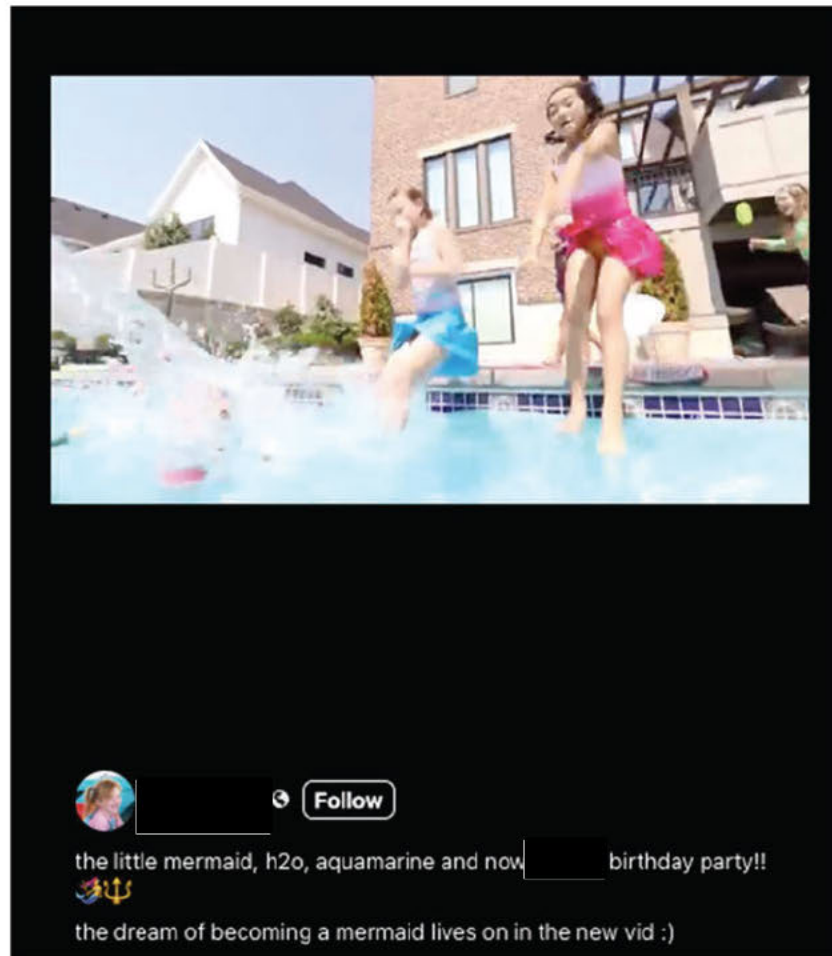
Figure 69. Post containing several animated photos promoting [REDACTED]'s new music video¹⁴³⁶



¹⁴³⁶ <https://www.facebook.com/share/p/16KepV1AcH/>.

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Figure 70. Reel showing [REDACTED] celebrating her 9th birthday with children who look similar in age¹⁴³⁷



C. Ninja Kidz Fan Club

580. Ninja Kidz TV is a collective of four siblings with 29,000 followers on Facebook.¹⁴³⁸ The siblings are 16-year-old twins [REDACTED] and [REDACTED], born in [REDACTED], 2008,¹⁴³⁹ 18-year-

¹⁴³⁷ <https://www.facebook.com/reel/1006483657463891>.

¹⁴³⁸ <https://www.facebook.com/@NinjaKidzTV/>. As of April 9, 2025.

¹⁴³⁹ [https://www.famousbirthdays.com/people/\[REDACTED\]](https://www.famousbirthdays.com/people/[REDACTED]);
[https://www.famousbirthdays.com/people/\[REDACTED\]](https://www.famousbirthdays.com/people/[REDACTED]).

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old [REDACTED] born in [REDACTED], 2006,¹⁴⁴⁰ and 21-year-old-[REDACTED], born in [REDACTED] 2004.¹⁴⁴¹ The Ninja Kidz been creating content for children since 2017 when they were 9, 11, and 13-years-old on YouTube where they now have 23 million followers.¹⁴⁴² The Ninja Kidz won the Nickelodeon Kids' Choice Award for Favorite Social Media Family in 2023.¹⁴⁴³ Ninja Kidz TV posts content likely to appeal to children such as training with the WWE, visiting arcades and collecting snakes with friends. They also post content which would visually appeal to children with cartoon dinosaurs and pirates. Other posts on their page include advertisements directed to children.

581. Figure 71 through Figure 74 below show examples of their content that is child-oriented, which together indicate their account is directed to children.

¹⁴⁴⁰ [https://www.famousbirthdays.com/people/\[REDACTED\].html](https://www.famousbirthdays.com/people/[REDACTED].html).

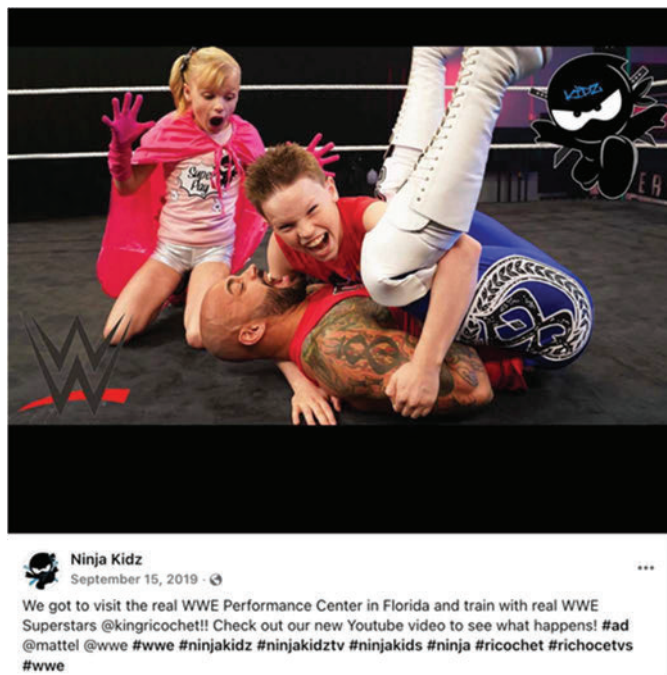
¹⁴⁴¹ [https://www.famousbirthdays.com/people/t\[REDACTED\].html](https://www.famousbirthdays.com/people/t[REDACTED].html).

¹⁴⁴² <https://www.youtube.com/@NinjaKidz>.

¹⁴⁴³ <https://www.nick.com/kids-choice-awards/articles/rwskx2/every-kids-choice-awards-2023-winner>.

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Figure 71. Post featuring the wrestling with WWE Superstars¹⁴⁴⁴



¹⁴⁴⁴ <https://www.facebook.com/photo/?fbid=724313034661157&set=a.275394276219704>.

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Figure 72. Post of the Ninja Kidz siblings at an arcade with a Ninja Turtles video game¹⁴⁴⁵



Ninja Kidz

November 4, 2019 · 🌐

Havin fun over the weekend! We met the Shredder 😂 what did you do this weekend? Lol #najakidztv #najakids #ninjaturtles #weekendfun

¹⁴⁴⁵ <https://www.facebook.com/photo/?fbid=761311850961275&set=a.275394276219704.>

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Figure 73. Post featuring [REDACTED] and his friend with snakes they found¹⁴⁴⁶



Ninja Kidz

October 5, 2019 · 🌐

@ [REDACTED] with his buddy @ [REDACTED] doing what they love. Looking for snakes. Does anyone else know what herping is? These two really enjoy it and have a wonderful love for all animals. They are always careful and respectful of every animal they encounter. Do you love animals too? What's your favorite animal? Comment below.
#ninjakidz #ninjakidstv #ninjakids #ninjakidz
[REDACTED] # [REDACTED] #utahfriends #utahboys
#utahyoutubers #herpers #herping #utahherps
#snakeloversofinstagram #lovesnakes See less

¹⁴⁴⁶ <https://www.facebook.com/photo/?fbid=737970879962039&set=a.275394276219704.>

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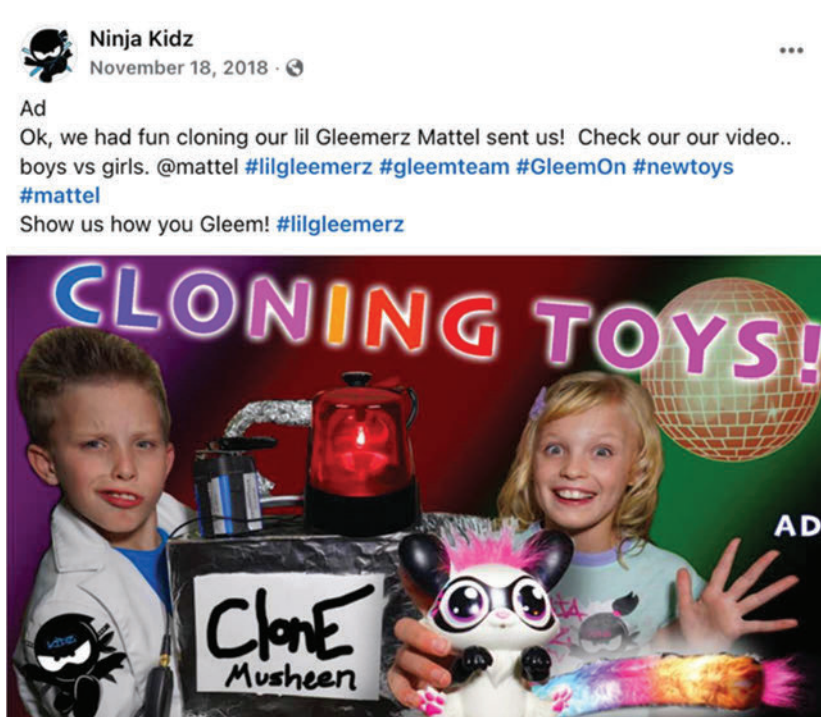
Figure 74. Post featuring the Ninja Kidz as cartoon characters surrounded by pirate ships, dinosaurs, dragons and other characters that appeal to children¹⁴⁴⁷



¹⁴⁴⁷

<https://www.facebook.com/NinjaKidzTV/posts/pfbid023Q284uviokWd5YRZeqohAmphRLkZzBh6cFvPpX9wsabySNAjtLYaCjuXsTqrfPt8l>.

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Figure 75. Sponsored post featuring Mattel toys¹⁴⁴⁸**D. Roblox**

582. Roblox is an online gaming platform that allows users to play and develop games with a large base of child users.¹⁴⁴⁹ The Roblox Facebook page has 1.8 million followers¹⁴⁵⁰ and is focused on promoting the Roblox game. Many of the games within Roblox, featured in posts on Facebook, have subject matter that appeals to children such as school, cute animals, dinosaurs and skateboarding hot dogs. Some of Roblox posts promote in-game children's activities related to holidays such as a Halloween. Comments on Roblox posts indicate that some of their followers are under 13-years-old.

¹⁴⁴⁸ <https://www.facebook.com/NinjaKidzTV/posts/pfbid0QTKN1LPSMUjZWj6dfdMFPa2uDBpncCC6XhZAWcvGPWcmaNPgMmUSJrDvFzZ3cHdml>.

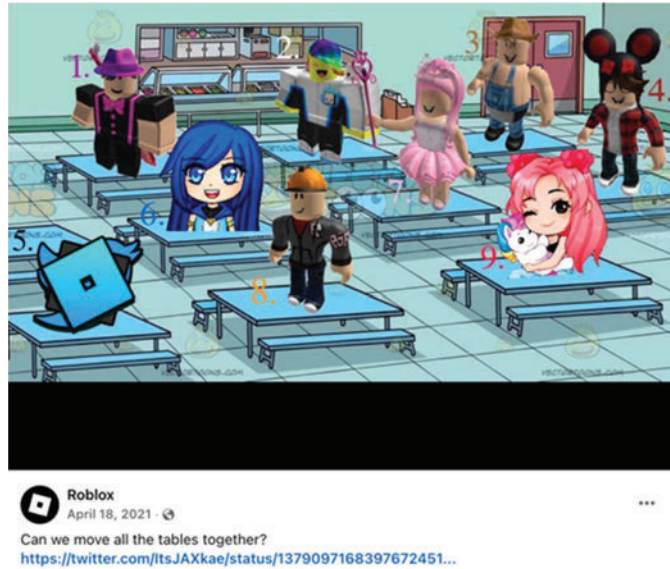
¹⁴⁴⁹ <https://www.theguardian.com/games/2024/nov/18/what-is-roblox-everything-you-need-to-know-about-online-game-platform>.

¹⁴⁵⁰ <https://www.facebook.com/Roblox>.

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583. Figure 76 through Figure 82 below show examples of Roblox content that is child-oriented, which together indicate the Roblox account is directed to children.

Figure 76. Post featuring Roblox characters in a cafeteria¹⁴⁵¹



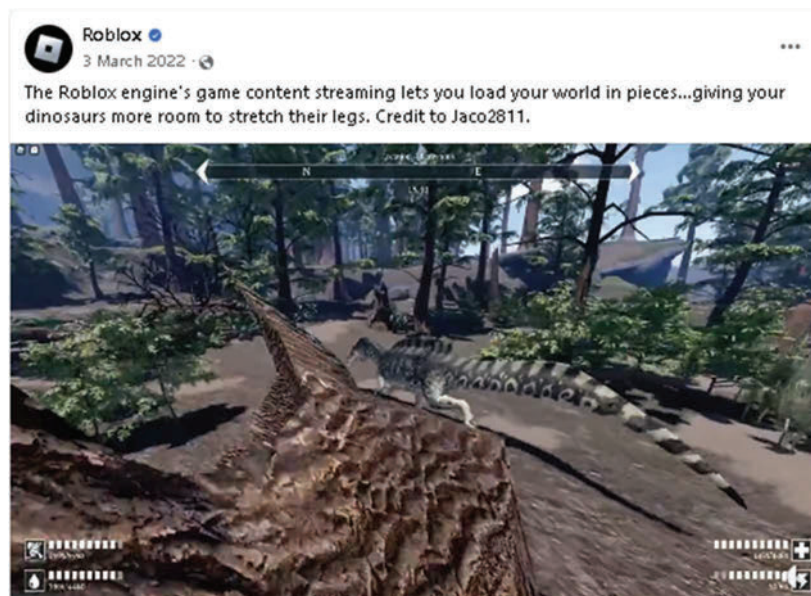
¹⁴⁵¹ <https://www.facebook.com/photo/?fbid=10158854516423580&set=a.378366298579>.

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Figure 77. Reel promoting capybara themed game¹⁴⁵²



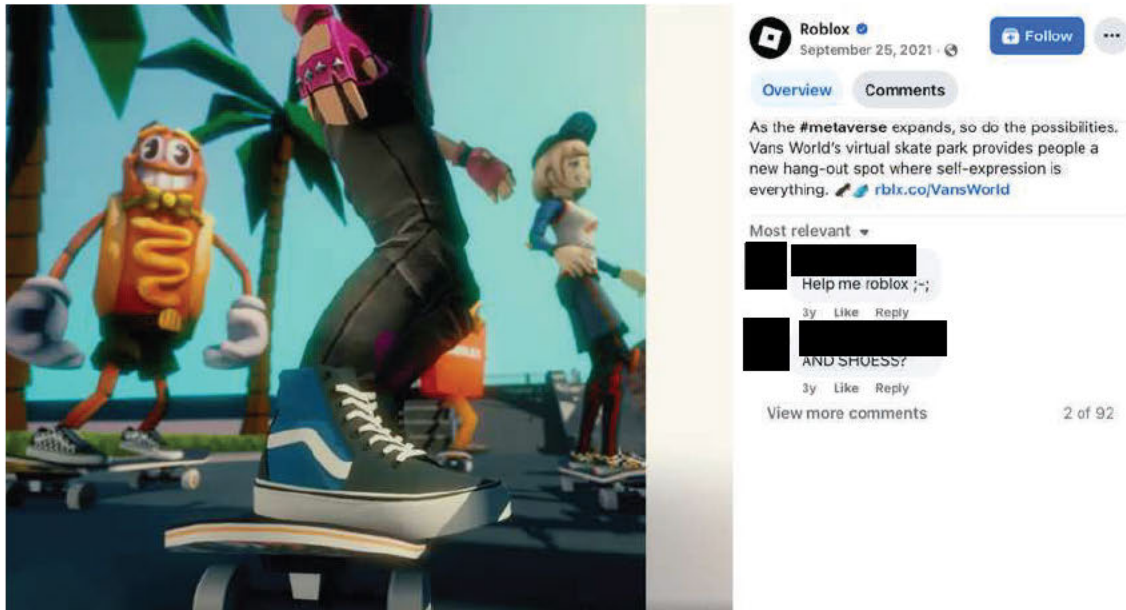
Figure 78. Video post featuring a dinosaur themed video game¹⁴⁵³



¹⁴⁵² <https://www.facebook.com/reel/643329618449237>.

¹⁴⁵³ <https://www.facebook.com/Roblox/videos/3135411450010422/>.

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Figure 79. Video post featuring a game with a skateboarding hot dog¹⁴⁵⁴

¹⁴⁵⁴ <https://www.facebook.com/watch/?v=462473651545032>.

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Figure 80. Post showing Halloween activities available on Roblox¹⁴⁵⁵

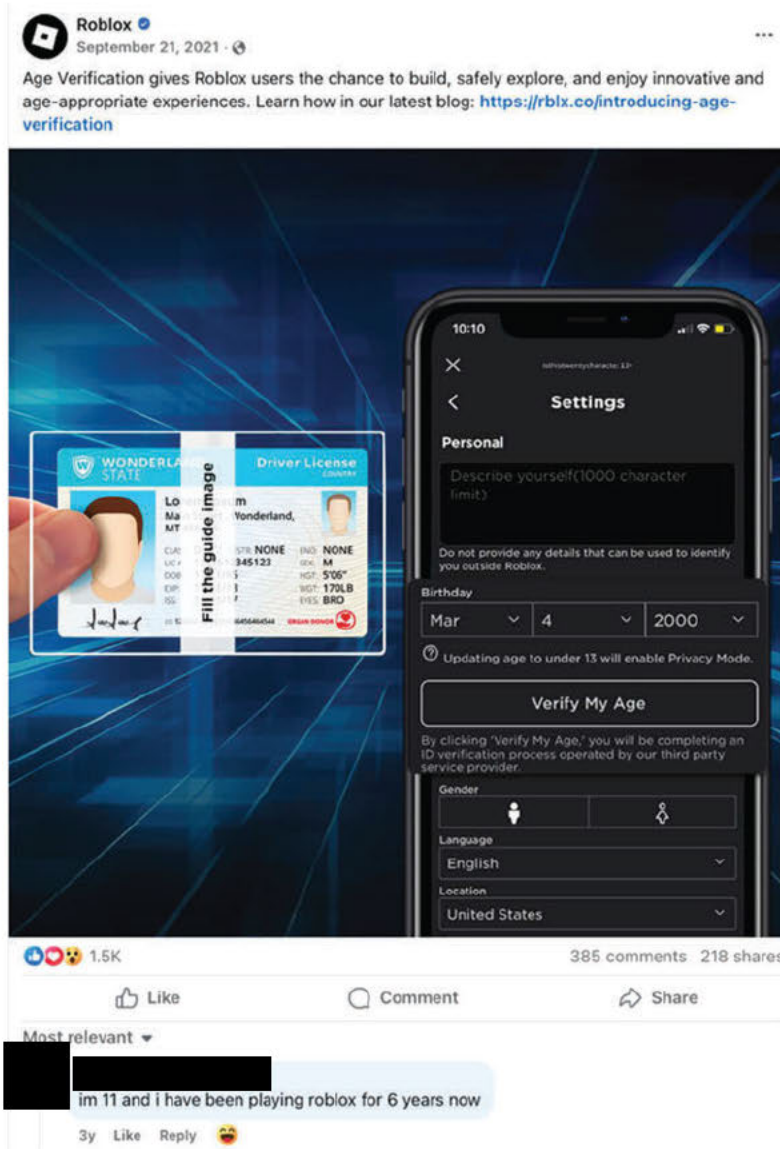
¹⁴⁵⁵ <https://www.facebook.com/Roblox/posts/pfbid02aFeTXGQdqc5QTo2xeKthxVWYpHj2K8scrKjSso9R5VtkSjgtWBXrDh2zQ4TGVjpTl>.

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Figure 81. Comment from 12-year-old user stating that they are almost 13¹⁴⁵⁶

¹⁴⁵⁶ https://www.facebook.com/Roblox/posts/pfbid06XCd3ba6F6DzeRj6hoDyRk2WpkfvDmzsL3PmQHVCxKVJaYGYX4SR66cKL9o6fml?comment_id=10159181096618580.

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Figure 82. Comment from user stating that they are 11 years old¹⁴⁵⁷**E. LankyBox**

584. LankyBox is a YouTube sketch duo that features two adult creators, Justin Kroma and Adam McArthur, who post videos on YouTube Kids.¹⁴⁵⁸ On Facebook, the LankyBox page has

¹⁴⁵⁷ https://www.facebook.com/Roblox/posts/pfbid06XCd3ba6F6DzeRj6hoDyRk2WpkfvDmzsL3PmQHVCxKVJaYGYXX4SR66cKL9o6fml?comment_id=10159179066583580.

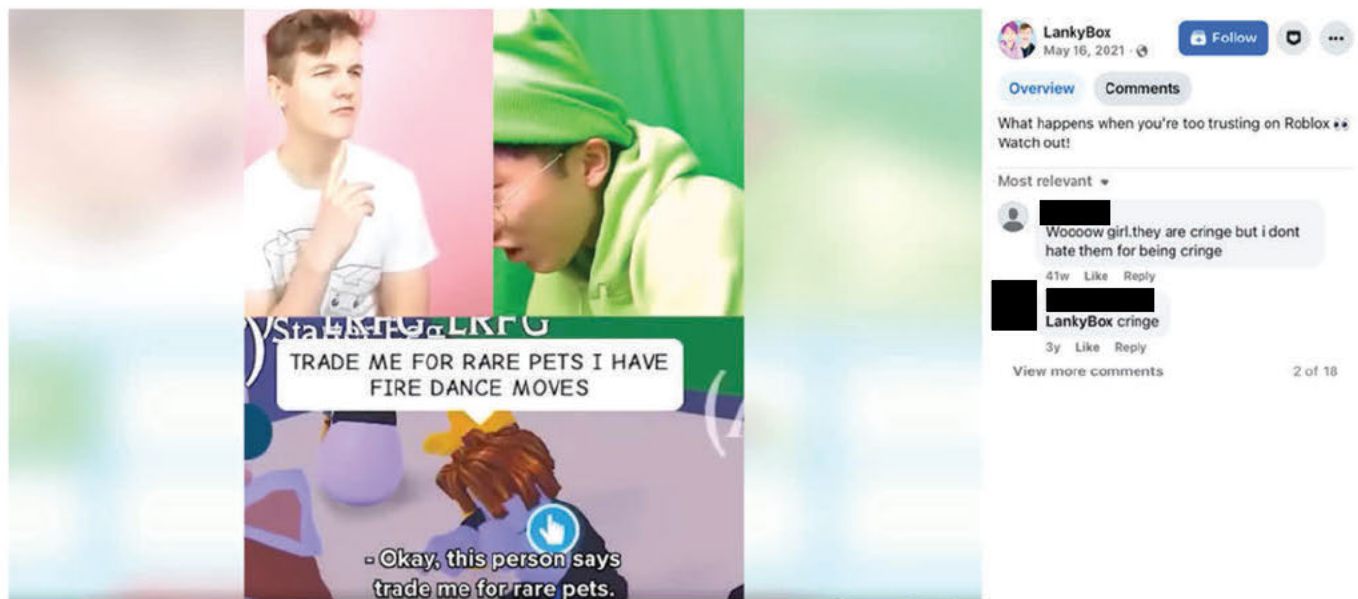
¹⁴⁵⁸ <https://www.famousbirthdays.com/webgroups/lankybox.html>.

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640,000 followers.¹⁴⁵⁹ Many of the account's posts focus on Roblox, the online video game platform popular with children.¹⁴⁶⁰ LankyBox also posts original humorous songs about topics that appeal to children, and promotes branded merchandise that appeals to children, such as stuffed animals and costumes.¹⁴⁶¹ Comments from users indicate that the account has followers under the age of 13 on its Facebook page.

585. Figure 83 through Figure 86 below show examples of LankyBox content that is child-oriented, which together indicate that the LankyBox account is directed to children.

Figure 83. Post showing LankyBox hosts during a game-playing session in popular children's game Roblox¹⁴⁶²



¹⁴⁵⁹ <https://www.facebook.com/LankyBox/>.

¹⁴⁶⁰ <https://www.theguardian.com/games/2024/nov/18/what-is-roblox-everything-you-need-to-know-about-online-game-platform>.

¹⁴⁶¹ <https://lankyboxshop.com/>.

¹⁴⁶² <https://www.facebook.com/LankyBox/videos/301708728295431>.

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Figure 84. Post showing Justin Kroma dressed in a onesie playing with a collection of plush toy characters available for purchase¹⁴⁶³



¹⁴⁶³ <https://www.facebook.com/photo.php?fbid=337055341112657&id=100044245816729>.

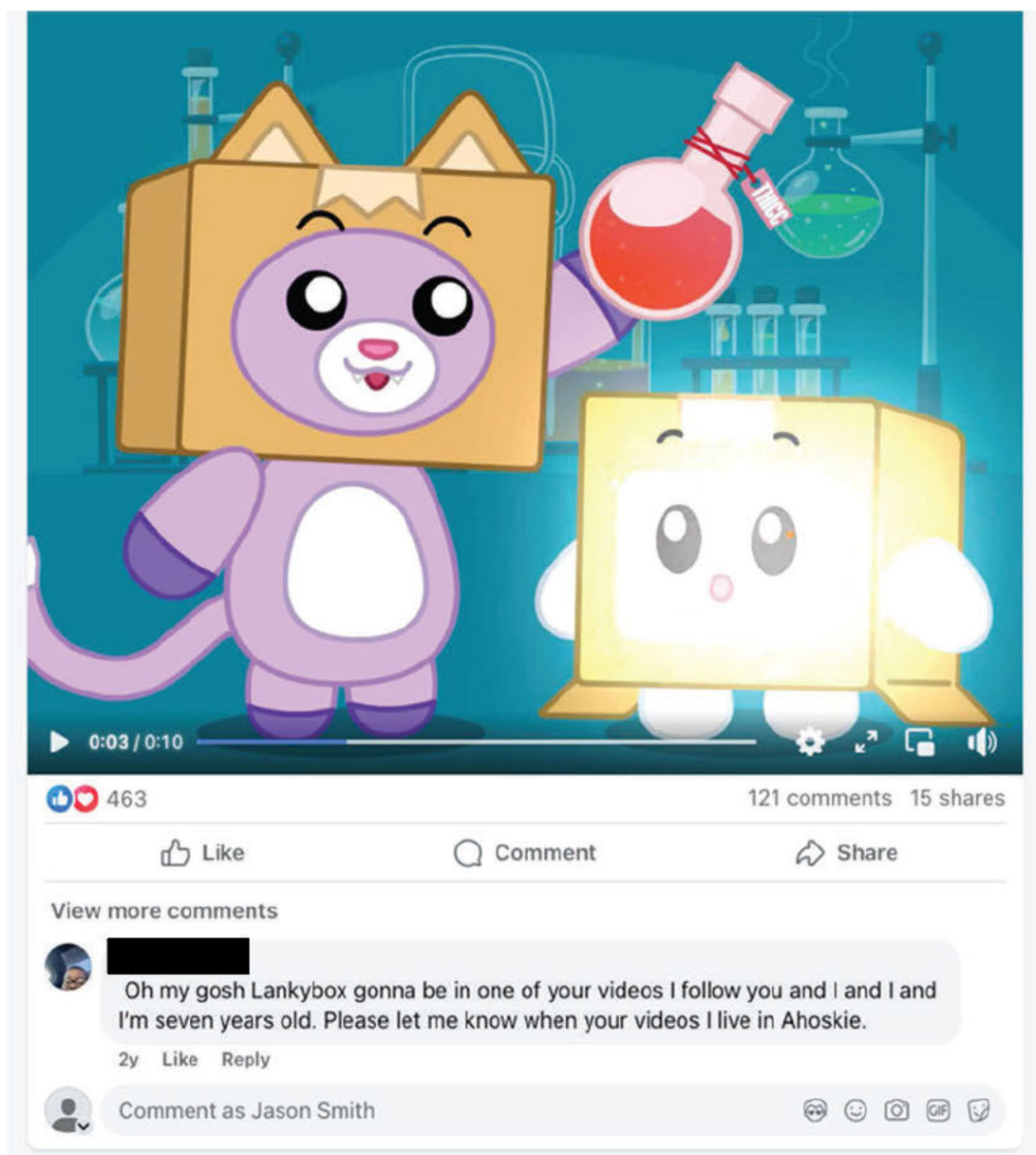
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Figure 85. Post with a compilation of original songs about “bromance,” fidget spinners, chicken nuggets, complaints about the internet being down after school, and a love song to tacos¹⁴⁶⁴



¹⁴⁶⁴ <https://www.facebook.com/watch/?v=1940316442787978>.

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Figure 86. Comment from a user stating that he is 7-years-old¹⁴⁶⁵

586. The above examples illustrate that portions of the Facebook platform are directed to children.

¹⁴⁶⁵ https://www.facebook.com/LankyBox/videos/153242360639289?comment_id=240666368399992.

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The undersigned hereby certifies their understanding that they owe a primary and overriding duty of candor and professional integrity to help the Court on matters within their expertise and in all submissions to, or testimony before, the Court. The undersigned further certifies that their report and opinions are not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

A handwritten signature in dark ink, appearing to be 'A. Alter', is written over a horizontal line.

Adam L. Alter, Ph.D.

August 1, 2025

Date