

AMENDED Exhibit 1065

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

Privileged and Confidential

Appearance/Makeup Effects Principles & Guidelines

Authors: [HYPERLINK "mailto:[REDACTED]"] [HYPERLINK "mailto:[REDACTED]"] [HYPERLINK "mailto:[REDACTED]"] [HYPERLINK "mailto:[REDACTED]"] [HYPERLINK "mailto:[REDACTED]"]

Review:

Self link: [HYPERLINK [REDACTED]]

Date: Feb 26, 2024 Last Update: 2/26/2024

Goal

The goal for this document is to define key principles against which we build/communicate appearance/makeup effects, and possible mitigations to create socially responsible products.

- Ensure alignment of product and mission
- Manage cohesive decision-making across ML/Product teams
- Build socially responsible products

Goal for ACE review & TCR review on Feb 26/28 will be focusing on **1P** appearance/makeup effects only. Principles and mitigations for 3P will be a separate follow up review.

Appearance effects

[HYPERLINK [REDACTED]]

"https://docs.google.com/[REDACTED]"

[REDACTED] are all effects that alter someone's appearance, e.g. makeup, hair color, or stickers, mostly focused around the face. These effects are [HYPERLINK [REDACTED]]

"https://docs.google.com/[REDACTED]"

[REDACTED] for SFV platforms and consistently rank among the [HYPERLINK [REDACTED]]

"https://docs.google.com/[REDACTED]"

[REDACTED] effects categories. Appearance Effects are the largest effect category on TikTok, driving [HYPERLINK [REDACTED]]

"https://docs.google.com/[REDACTED]"

[REDACTED]. Women significantly preferred [HYPERLINK [REDACTED]]

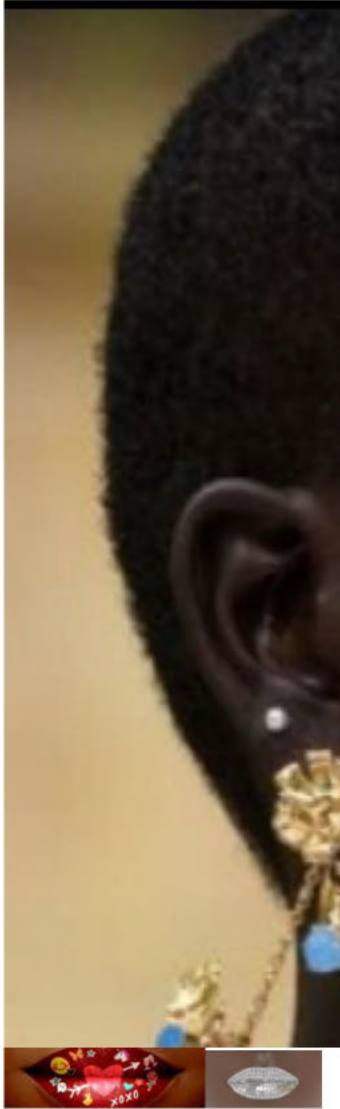
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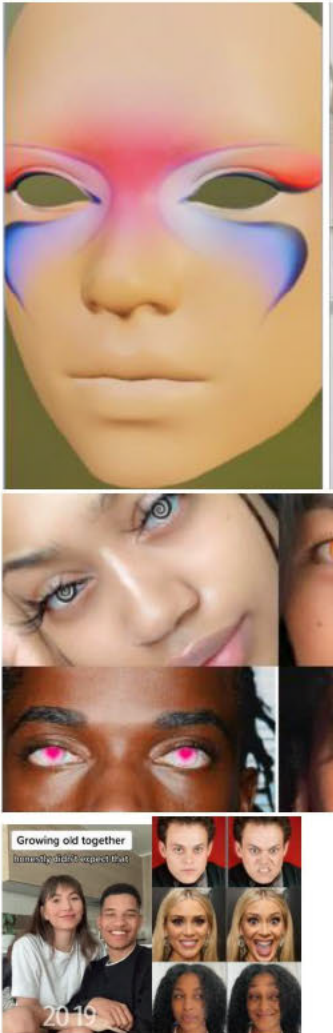
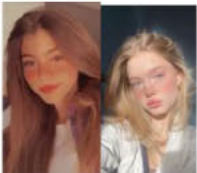
[REDACTED] appearance effects to men.

Digital makeup effects help effect creators look good in front of the camera easily and cost-effectively. It also helps effect creators express various facets of themselves, and tell stories creatively. (Separate makeup effects from decoration/playfulness stickers)

Category

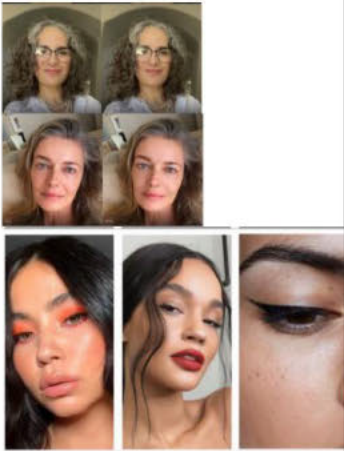
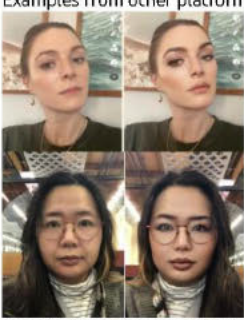
Based on the degree of alternation the appearance effects present and their feasibility in real life, we divide them into three categories.

Category	Examples	Use Needs and Use Cases
Exaggerated expressive art that won't be mistaken from reality <i>80% of appearance effects in Q1/2 roadmap</i>		Match to use cases on the product roadmap: 1. Playful alteration – alter the look in a humoristic way to make viewers laugh; 2. Face mask and accessories for creative storytelling and character building; 3. Makeup arts for creative storytelling; - Regional - Whole-face 4. OD AI expression – exaggerated facial expression like Never Blink, Always Smile 5. OD AI transformations – turn human face into 3D cartoon or 2D anime characters Examples from top left to right: [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] - glam aesthetic with an isolated eyeshadow and eyeliner makeup effect design. [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] - e.g., pearls on lips [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] - 2D art design, mapped to cheek and forehead 3D face decoration (gold, siren) [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] - glowing, animated irises [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED]

		[REDACTED] \h] - filter that applies shapes and designs to irises Aging in a humoristic way Expression: "angry", "wow", "incredulous". Other examples: [HYPERLINK "https://docs.google.com/[REDACTED]" [REDACTED] \h] - Adds Blush and Hearts and possible other shapes (stars, half moons) to users cheeks [HYPERLINK "https://docs.google.com/[REDACTED]" [REDACTED] \h] - Adds shiny sparkles to cheeks/ face [HYPERLINK "https://docs.google.com/[REDACTED]" [REDACTED] \h] - wearable art
Realistic makeup effects that users can replicate in real life 20% of appearance effects in Q1/2 roadmap		Improve users' productivity - Quickly help lightweight video creators get ready for the camera. If users can put time in real life (a few minutes to a few hours), they can have the same look 1. Camera ready - natural daily makeup filter to quickly help lightweight video creators get ready for camera. 2. Whole-face or regional Makeup looks for different occasion or events

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Is this really true though? Consider effort/skill/cost/affordability to achieve the same look and how feasible it is to replicate in real life.

		Examples from top left to right: [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] [REDACTED] - apply blush to cheeks. [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] [REDACTED] - beauty marks [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] [REDACTED] - e.g., applying foundation and skin smoothing, slight eye liner and eye shadow. [HYPERLINK "https://docs.google.com/ [REDACTED] [REDACTED] [REDACTED] - applying makeup to achieve a professional look, subtle, natural, realistic (e.g., slightly smooth skin; remove puffiness or redness; accentuate cheekbone with light shading; no facial deformation)
Beautifying Transformation that is not attainable in real life without medical procedure <i>Not on 1P roadmap</i>	Examples from other platform  List of changes in this effect: - face shape - added volume of cheekbone, jaw and chin length, lips - removed volume of mid-cheek - raised eyebrow	User needs: 1. Make perfect videos 2. Experiment /explore identity This is NOT on the YT effects roadmap. More than half of the beautify effects on TikTok and Snap includes transformation, most of them are NOT explicitly labeled in the effect name. Transformation usually includes these changes: - pronounced alterations to facial features (e.g., reshaping noses, jawlines, altering eye size) - dramatic changes in skin texture and tone - Teeth whitening, teeth alignment for beautifying purposes - modifications to body shape.

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We want to be careful with skin smoothing and lightening given HES clinical briefing and the fact that this was flagged at the recent congressional hearing.

Summary

This table outlines the effects categories, user needs, potential risks and mitigations based on input from Health Expert Services ([HYPERLINK]) and YouTube Youth & Families Advisory Board ([HYPERLINK])

Category	User Needs	Risk/Assessment	Mitigation/Suggestion for 1P Effects Creation based on product principles
Beautifying transformations that are not mistaken for 'Exaggerated Expressive Art' (2/2 roadmap)	Enabling self-expression via a wide range of effects. Create engaging content more easily	Low AR filters are used for motivations such as <i>silliness</i> do NOT seem to have either a positive or a negative effect	Follow the product principles to provide diverse effects offering effects and provide transparency and necessary education (New) When necessary, provide cultural context of the effects audience to avoid misuse
Makeup effects that users use in real life (2/2 roadmap)	Lightweight creators want to prepare for the camera efficiently without the need for professional lighting and studio setups.	Medium 1. The same risk as of using makeup in real life – (Creators) planting an idea of an ideal appearance 2. Singular beauty standards: Perpetuate biases towards lighter skin, thin complexity, cis-gender female appearance 3. Skin lightening filters came up in the recent congressional hearing as a problematic filter.	Based on the product principles, 1. Do not use deformation and skin lightening filters for daily use to set realistic expectations; 2. Provide transparency with labeling the effects used in videos to viewers to avoid normalizing high beauty standards; the feature will be labeled 'Makeup' (general feedback filter views) 3. Provide feedback and reporting system. 4. (optional, subject to risk assessment) Provide extra protective education on digital literacy for teens and promote body positive healthy interaction with social media
Identity exploration effects that are not mistaken for 'Exaggerated Expressive Art' (2/2 roadmap)	1. Beauty enhancement; reshaping; look perfect 2. Experiment self-presentation – a low cost solution for exploring other identity	High 1. Portraying an unrealistic image of best self; 2. The same risk as of using makeup in real life; 3. Singular beauty standards	Do NOT create any 1P effects that fall into this category

Product Principles & Guideline

Summary

Principles	Principle Details that focus on 1P
1. Empower creative expression: authenticity over beautification	PO 1.1 Design 1P realistic makeup effects as productivity tools PO 1.2 Diversify the content roadmap with more expressive arts effects beyond beautification.

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'Beautifying Transformations' focuses on attractive appearances and beauty standards such as bigger eyes and transforming people into a version of themselves that is believably who they are but 'more beautiful' according to some standards.

'Exaggerated Expressive Art' focuses on entertainment, enjoyment and silliness. They are more similar to props for holiday party or halloween, and do not enhance, or be mistaken as any beauty standards?

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Commented [8]: Check with [REDACTED] if this is efficient

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Commented [10]: The clinical briefing also flagged as problematic effects/filters that go beyond ones that can only be achieved through cosmetic surgery (e.g. teeth whitening, smooth and even skin tones etc.). Doesn't need to deform the face to be harmful.

Also there's a risk of sexualization of children particularly as you consider the filters that make teens look younger or older.

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2. Editing responsibly, no deformation for beautification	P021 Deformation capability for 1P beautifying transformation effects is not allowed; P022 Deformation for exaggerated expressive art effects are allowed. P023 We also provide a list to clarify the boundary.	Formatted: Font: Not Bold
3. Embrace diversity and inclusive representation	3.1 Invest in researches and toolings to ensure the culture relevancy of the effects; 3.2 provide customization when one design doesn't fit all; P1Not Started3.3 (New) provide educational snippets for cultural context when necessary	Formatted: Font: Not Bold
4. Transparency and education for informed engagement	P0 In Progress4.1 Transparent labeling of effects, especially the ones including deformation for beautification; 4.2 (New) disclaimer for potential harmfulness; Not Started4.3 (New, optional) provide education for digital literacy for teens	Formatted: Font: Not Bold
5. Users autonomy	5.1 No default filters; 5.2 (New) Unbundling controversial filters so that users can make conscious decisions; 5.3 Feedback and abuse reporting system	Formatted: Not Strikethrough

Details

1. Empower creative expression: authenticity over beautification

Effects make video creation fun and easy. Our approach to 1P appearance effects focuses on simplifying preparation for recording and enabling self-expression via a wide range of effects. Specifically,

1.1 Realistic Makeup effects as Productivity Tools: These makeup effects are designed for lightweight creators who need to prepare for the camera efficiently without the needs of professional lighting and studio setups. The emphasis is on functionality rather than beautification, aiming to replicate looks that users could realistically achieve with actual makeup.

In naming effects, we consciously avoid biased language that presupposes gender, references subjective beauty standards (e.g., "looking good," "beauty," "pretty eyes").

1.2 Diverse Effects Offering: By providing a wide variety of exaggerated expressive effects beyond beautification, we support video creators in expressing themselves in multiple ways. This commitment to diversity helps to prevent the normalization of specific beauty standards among video viewers, promoting a more inclusive and varied understanding of beauty and expression.

2. Editing responsibly, no deformation for beautification

The boundary of acceptable manipulations is essential to the wellbeing of users. When creating effects that involve changing facial structure, we want to balance between creative freedom and the wellbeing of our users.

2.1 No deformation for beautifying transformation effects

Face deformation refers to the capability of altering the original shape or features of a person's face using effects, such as larger eyes, bigger lips, more angular jawlines, whiter teeth, slimmer faces. When these alterations are created for beauty enhancement effects, the enhancement usually is not attainable in real life without medical procedures or long term lifestyle changes and the alterations will impact on users' perceptions of self-image and beauty standards.

We won't use deformation for 1P effects that aim to alter users' appearances for beautification purposes. When users apply the makeup filters, it won't have

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- Facial geometry change (changing the position of facial landmarks beyond a minimal tolerance level): to make eyes bigger, lips filler, face slimmer etc.
- Skin segmentation and coloring: to lighten or darken the skin
- Teeth whitening and teeth alignment
- Body geometry change: change the body shape to make thinner or thicker

Only modifications that recreate professional studio-like conditions, achievable in real life (IRL) with makeup artists and professional lighting, are considered within acceptable bounds.

2.2 Allowance for (Exaggerated) expressive art effects

Deform only in service of character or cartoon, e.g. animal face masks, "magical" features, etc. encouraging the use of these effects for playful, artistic storytelling and character building.

Deformations must be as recognizable as such, meaning that there is some amount of extreme "surreality" or "impossibility" to their implementation. If the deformation is "subtle" or less detectable on par with what is achievable IRL with surgery, it's not acceptable.

2.3 Clarity and boundaries

To ensure clarity and prevent misunderstandings, we provide a detailed list of what constitutes acceptable versus unacceptable face/body deformation effects. This resource aims to demystify technical terms and precisely outline the boundary between creative expression and prohibited beautification.

- List of changes

Face alteration by effects	Perceived results	Deformation required?	Allowed for Beautifying Effects?	Note
Change the shape, position, or size of the eyes, nose, ear, lips, jaw, chin, cheekbone	Bigger eyes, filler lips, nose shape change, higher cheekbones etc.	Yes	No	
Face Shape	Slim the face	Yes	No	
Skin lightening or darkening	Skin, not the whole frame, become brighter or darker	Yes	No	
Body Shape	removes fat from specific areas of the body	Yes	No	
Teeth whitening		Yes	No	
Teeth Alignment		Yes	No	
Skin Smoothing		No	Yes	limited to a degree without landmark changes What about acne - hidden
Hair color/extension/removal	Change the color, length, and volume of the hair	No	Yes	
Hairline/Bang		No	Yes	

- Example of Acceptable Changes:

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- Blurring pixels to smooth skin, limited to the level that is not altering facial geometry,
- Relighting
- Teeth alignment and whitening in OD AI Expression effects



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Is this an acceptable change? Per table above we are not allowing this beautifying effect.

3. Embrace diversity and inclusive representation

We're designing for a global audience with a massive range of makeup trends and "beauty" standards. Fostering a diverse and welcoming environment where every user feels seen and valued. Cultural fit is more than just region; it is a complex grid of race, gender, upbringing, and personal preferences.

3.1 Create for a diverse audience:

Cultural understanding:

To promote representation and inclusivity, ensure that every user sees themselves reflected in the platform's offerings.

+Invest in continuous regional research and/or conduct regular research surveys to learn about the impact of digital makeup and face deformation and associated attitudes and behaviors.

+ Take extreme precaution to avoid creating a construct where makeup or deformation "enhancement" follows narrow cultural tastes and interpretations. Work with local artists to ensure effects are culturally relevant and sensitive.

+Use all internal resources (REP, IWG) as launch gating checkpoints for each effect.

+Implement checkpoints throughout the product development process to evaluate decisions for global/regional/cultural sensitivities.

Provide inclusive effect creation tool to encourage the diversity of effects creation;

Providing the tools to enable Effect Creators to create for different skin tones, body shapes, different ages.

For Face paint, we provide downloadable face references with 10 different skin tones, while competitors provided 4 or less.

For previewing effects in Effect Maker, we covered diverse body shape, facial features, while competitors provided only one body shape and no facial feature diversity.

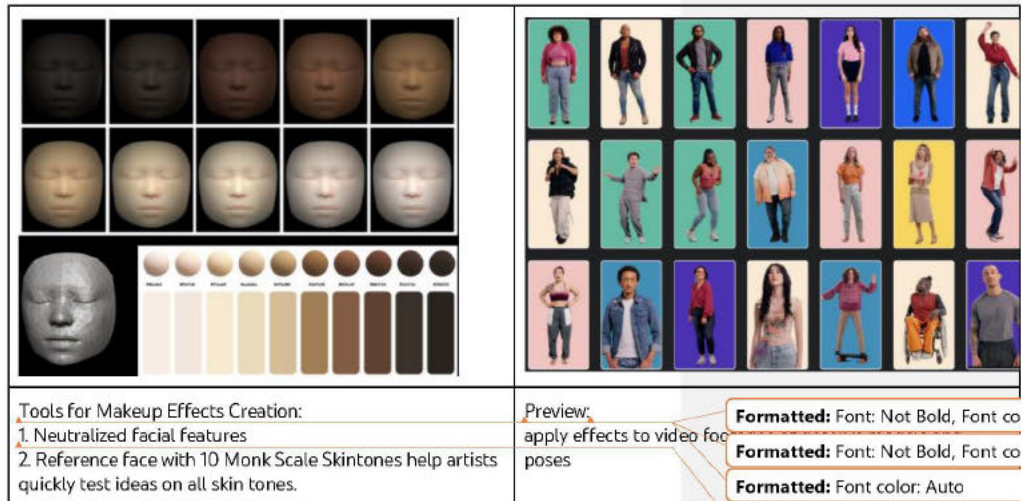
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3.2 Provide Customization when one design can't fit for all

To empower users with the flexibility to tailor certain features, such as makeup effects, to their personal preferences and characteristics.

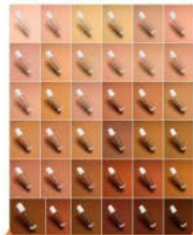
- For effects like Foundations, [HYPERLINK

"<https://docs.google.com>

h]. Users can select the effect, and try different colors through the option for colors to find the most suitable one.

Rihanna's Fenty concealer products, showcasing an [HYPERLINK

"<https://www.bet.com/article/6jchku/fenty-beauty-is-winning-because-rihanna-delivered>" h].



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3.3 Educational snippets for cultural context

Understanding the importance of cultural sensitivity, we offer background information on effects, especially those inspired by specific cultural or historical contexts. Our goal is to inform users about the origins and meanings of specific effects, aiming to foster understanding and respect while minimizing the risk of misuse. Example: When introducing a filter inspired by cultural or historical elements, include a brief educational snippet about its significance, ensuring users are aware of the context and can use it respectfully.

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4. Transparency and education for informed engagement

Our fourth principle centers on enhancing transparency and providing comprehensive education to both video creators and viewers. This initiative is designed to ensure our creators and viewers easily identify the use of digital effects and understand their implications, fostering a more informed and conscious engagement with content.

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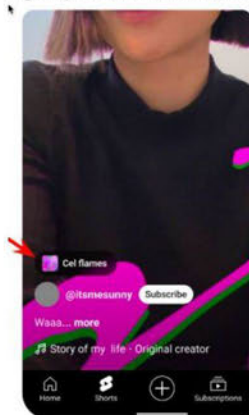
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4.1. Transparent labeling of effects

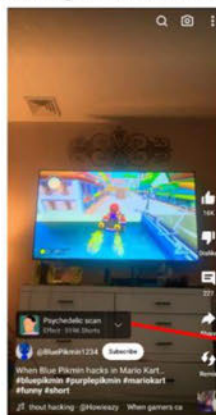
For videos that are created using Effects, there should be labels of the specific effects actively used in the video that are prominent to the users. Whenever a filter is applied to a video, a noticeable label indicating the specific effect used is automatically added to the video as a tag. The goal is to provide transparency and enable users to discern between unaltered reality and digitally modified content, thus promoting informed content consumption.

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One Effect is actively in use



When multiple effects are applied



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4.2. Disclaimer for Potential Harmfulness

We will include disclaimers for effects that significantly alter physical appearances, addressing the risk of perpetuating harmful beauty standards or negative body image perceptions.

These warnings, displayed prior to effect application, are designed to prompt reflection on the impact of such alterations, advocating for a balanced and positive self-view among video creators.

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4.3. Protect teens with education for digital literacy on help page

Develop and provide resources and tutorials aimed at educating teens and their supervisors about digital literacy, focusing on understanding and critically evaluating digital content. The purpose is to empower users with the knowledge to navigate digital media intelligently, recognize alterations, and understand the context and impact of the content they consume or create. Example: Offering a dedicated section or series within the app that covers topics such as the reality behind digital alterations, the psychological impact of social media, and how to consume digital content responsibly. ([HYPERLINK "https://www.dove.com/ca/en/dove-self-esteem-project/help-for-parents/social-media/social-media-filters.html" \h])

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Labeling the videos that have no makeup proven to provide positive results. Ideas of protection:

- Create an effect called "True Expression", which doesn't have any (makeup) appearance alteration.

5. User autonomy

It underscores a respect for the user's agency in choosing how they wish to present themselves or view content, without nudging them towards enhanced or altered representations.

5.1 No default filters: The camera opens without any pre-applied filters, allowing users to choose to engage with filters or effects intentionally, rather than by default.

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5.2 Feedback and Abuse Reporting: Enabling users to report abuse and offer feedback about filters and effects not only helps improve the platform but also gives users a say in the community standards and the types of content they want to see, reinforcing their role in shaping the platform environment.

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Appendix

(for 3p) While the primary information labeled will be the name of the effect, additional details may be provided for certain user groups or effects. Notably, effects that include deformation for beautification purposes will be explicitly indicated, reinforcing our commitment to keep transparency and set realistic expectations to the viewers.

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Are these included in our roadmap?

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5.2 Unbundling controversial Filters: Allowing users to individually choose filters, rather than bundling them together, ensures that users are making conscious decisions about their use, directly enhancing their control over how they present themselves or alter their content. (teeth whitening)

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Meeting with OWLs: 1/26/2024

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1. Overview of 4 principles: Attainability, Inclusion and Diversity, Transparency, Culture sensitivity

2. Attainability:

- a. [REDACTED] Match our category to the academic literature for Literature searching
 - i. True expression; No makeup
 - ii. Ideal: daily makeup. Either positively with self concept or having no correlation at all. So no concerns.
 - iii. Transformed - Deformation. More concerning in the literature with youth in terms of well being, especially when the transformed is not labeled as such. Self concept, so how people feel about themselves.
 1. Transformative + joke for fun = no concern
 - iv. Mild - less problematic than the transformed.

- b. [REDACTED] content diversity for minors: playfulness, self expression and fun vs. effects moving into the realm of body image, self image and mental health related issues.

3. Inclusion and Diversity:

- a. [REDACTED] Smoothing skin can be a very triggering and problematic discussion with black, brown, afro latino folks.
- b. The importance of theme pack, context, and community. When creating a Naruto effect, create a Naruto pack with all artifacts. Instead of very generic hair, generic eyes.
- c. [REDACTED] Definition of representation of diversity is very important. Young people want to know the answer. It is not just about skin tone adjustments.

4. Transparency

- d. [REDACTED] labeling is not enough as protection; it doesn't always change impact. More transparency you can have.
- e. [REDACTED] Media literacy is if you're labeling something and helping the user orient themselves in their process, you're fostering their critical thinking. You're giving them cues for their process and keeping them aware. Critical thinking is protective.

5. Culture sensitivity

- a. Q: any thoughts on other types of terms that might be sensitive, especially through a non-US perspective? No input.

6. The implication to UGC:

1. Should we allow people to re-use Generative effects that make people face skinnier? Need ethical standards - what you allow people to do out there.
2. Suggested whatever you put out is the line that you draw for how others create as well. It reflects your values.
3. Transparency becomes more important here.

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4. Here has to be a standard: how much to get shared, inclusivity.
5. "What do I want a young person to think when they use this content that doesn't cause them harm later? What does that look like?"
6. Education in flow.

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Meeting with HES

1. Meeting minutes: [HYPERLINK
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2. Q: Shorts in YTKids app, parents responsibility
 - a. We don't have the Shorts player in the app. But we do have individual shorts. Kids are able to access the main app...this is the 'covieing' experience, ie they are on main with a parent.
3. Follow up:
 - a. Meeting: Youth UXR/ACE: [REDACTED]
 - b. Youth PM: [HYPERLINK "mailto:[REDACTED]]
4. [HYPERLINK "https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9577667/pdf/main.pdf" \h]
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Meeting with HES 2/15/2024

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1. No clear difference between Transformed and daily makeup in the papers. (however the examples are mainly Transformed).
2. Existing transparency is not helpful.
 - a. Survey showed that teens are not able to tell the usage of filter (70%) and the sliders/mobile controls can potentially make it more difficult to detect. - Media literacy
 - b. Mitigation:
 - i. Transparency is supportive, but don't change the harm that associate with it.
 - ii. improve the outcome: do the opposite: when label the photos as unedited, that's a positive. - promoting authenticity
 1. Idea: a filter of nothing - body positivity?
 - iii. Diverse body shape?

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