

AMENDED Exhibit 659

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

Justification to Remove Eugenia Cooney from Creator Fund/TikTok Management

Authors: @Erika Crowell- Outreach Partnership Manager, Mental Health
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 @Valerie Douglas (they/them)- Mental Health Policy Specialist, North American Regional Policy

Last Edited: 10/25/2023

Sign-Offs: ☒ @Tara Wadhwa- Head of Regional Policy
☒ @Valiant Richey- Global Head of Outreach and Partnerships
☒ @Julie de Baillencourt- Global Head of Product Policy
☐ @Katy McCabe- Global Head of Feature Policy
☒ @Justin Erlich- Global Head of Issue Policy
☒ @Chris O'Connell- USDS Editorial Policy Lead
☒ @Jen Brandenburger- USDS Head of Product Policy

Executive Summary:

Ask: Remove Eugenia Cooney as a creator fund/managed creator.

[HYPERLINK "https://www.tiktok.com/@eugeniaxxcooney" \h], a controversial influencer who is widely known in the Eating Disorder Community for having Anorexia Nervosa, is currently a part of TikTok's Creator Fund and has been a managed creator for the past three months. She has participated in the official TikTok live battle - Road to Superstar, about 5 times so far.

Most of the controversy surrounding this creator stems from her historical and current struggle with Anorexia Nervosa, which has resulted in an extremely thin appearance. Her account has been reported to Trust and Safety by various external and internal partners due

Commented [1]: @Julie de Baillencourt@Katy McCabe@Justin ErlichWhen y'all get a chance, can y'all kindly let us know if you sign-off or have any concerns you need addressed? Thank you!

Commented [2]: This doc mentions multiple interventions - can you clarify which recommendation the sign off is for? Also, has@Ryn Linthicum (they/them)hed in on this one?

Commented [3]: In terms of my concerns - given our tiktok management criteria are subjective as is, I'm OK with us suggesting we not manage her. I have concerns about removing her account's eligibility from the FYF from a due process / precedent setting perspective, unless we can articulate a consistent and principled rule.

Commented [4]: Hi@Justin Erlich- I weighed in on a high level for this one (while acknowledging that this is primarily a US market concern, and so I would lean more strongly on the NARP team to make recommendations that make sense for their market) - I agree that we should not be actively supporting and promoting her at this point in creator management, monetization, and programming efforts. We generally take a more conservative line with who we promote, in part based on safety considerations and more holistic reviews, and this falls in line with similar decisions that have been made in the past regarding, for example, who we use in campaigns, etc. I also think from a trust perspective, it's poor form for us to be seen as actively profiting off of her eating disorder (potentially providing direct monetary incentive and support/reinforcement). I don't think we should completely ban her from the FYF, given the lack of actual policy violations the account has tr...

Commented [5]: Hi everyone, this document is meant for advocating of demonetizing her account. I have removed the suggestion that we are considering actioning on her account from a T&S perspective due to the lack of policy tr...

Commented [6]: Just want to clarify that I'm OK with her not being a managed creator. When you say "demonetized" are you also referring to her ability to monetize on LIVE? Katy McCabe : [JIAYI] 2023-12-07 05:39:02

Commented [7]: @Erika Crowellthank you for the opportunity to review. I'm OK to sign off but want to +1 to the need to develop more robust defensible criteria for when creators are or aren't able to monetize

Commented [8]: Added you as an official sign-off on the doc. Thank you!

Commented [9]: @Valiant Richeyadding you in here

Commented [10]: Thanks. Sign off from me (can't figure out how to do it)
 Erika Crowell : [THUMBSUP] 2023-10-26 23:57:56

Commented [11]: Am ok to sign off
 Valerie Douglas (they/them) : [THANKS] 2023-11-28 09:14:07

Commented [12]: I'm supportive of not having her as a discretionary managed creator. Beyond that, I'm hesitant to do more unless we can articulate a cognizable principle that we can apply in future

EXHIBIT

7 - VICTORIA McCULLOUGH

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to how many consider her appearance to be triggering for body image and eating concerns. However, in content she posts on TikTok, she does not discuss or reference her eating disorder and thus her content does not violate the community guidelines.

Despite her account not violating our Community Guidelines, **Trust and Safety suggests this account should not be managed or promoted for TikTok programming** due to feedback from global external experts in the Eating Disorder Space and prioritizing keeping our community safe. This recommendation is made particularly from a Youth Mental Health perspective, based on external expert feedback related to this type of content, and its potentially harmful impacts on TikTok's younger users' well-being.

Risks with Keeping her Account Managed:

- * Eugenia Cooney has only been managed for three months and we have already received a PR inquiry about this from the Washington Post (see 'Media Inquiries to TikTok' Section). Media coverage around TikTok's decision to manage (and profit) from Eugenia's account, could lead to a negative news and reputational news cycle around Eating Disorders, Mental Health, and Youth Safety.
- * In light of the US Surgeon General's report and President Biden's launch of a Kids Online Healthy & Safety Taskforce announcement, having this account managed, could paint TikTok in a bad light while we are aiming to double down on our investment and expand our leadership and impact on youth mental health.
- * As of this week, State AG lawsuits against Meta highlight this type of harmful content and could put TikTok at risk. TikTok is currently proactively and aggressively working on our response as if we were the subject and promoting an account of someone so controversial in the eyes of our Safety Partners could be damaging.
- * Failing to take down/action on reports made on this content could lead to reputational, legal and safety risks. In a recent [[HYPERLINK](https://www.abc.net.au/news/2023-09-14/eating-disorder-patients-to-confront-meta-bosses-at-parliament/102847320) "https://www.abc.net.au/news/2023-09-14/eating-disorder-patients-to-confront-meta-bosses-at-parliament/102847320" \h] by ABC news outlet regarding a confrontation between those with Eating Disorders and the social media outlet META in Australia at Federal Parliament. The following argument was made by a teen in relation to ED content: "Katya said she was concerned at how filtered, edited content on social media was used to project and monetise unrealistic beauty ideals. She said she continually reported images and videos that were "obviously pro-eating disorder" to the platforms, but was still shown "harmful" content of "people losing weight, people posting body-checks, people describing their habits, their rituals". The arguments presented by the plaintiffs in this lawsuit argued, as mentioned above, that social media platforms failed to respond to repeated reports made by a young teenager (15 years old) that felt vulnerable to this type of [harmful] content.
- * Meta sued over claims that Facebook and Instagram are harming kids' mental health: <https://www.smh.com.au/business/companies/meta-sued-over-claims-facebook-and-instagram-harm-children-s-mental-health-20231025-p5ees1.html>

Commented [13]: Does this mean de-monetizing her on LIVE?

Valerie Douglas (they/them) : [Yes] 2023-11-07 05:14:41

Commented [14]: @Valerie Douglas (they/them) e that we should not actively manage or include them in our own promotions like Road to Superstar. But, further to Justin's point, we do not currently have demonetization as a strategy to deploy here. We can only manually demonetize and only based on the CGs or ToS. I think that this is a good example of how monetization enhances/multiplies existing risks - her content and behavior are borderline, but fine but when you add in monetization (our potential incentivizing of behavior and our own profiting from potential harm), it changes the risk profile.

Commented [15]: FWIW, I'm comfortable and supportive of not having as a managed creator b/c that is discretionary. But right now, all creators who meet a certain threshold have access to live monetization, so I'm not sure what a defensible principle to restrict her there is.

Commented [16]: @Lennon Duggan@Justin Erlich! just confirmed with Erika et al that we are only advocating for her to be removed as a managed creator. We were

Commented [17]: How would experts advice on people with binge eating disorders who are obese?

Commented [18]: If similar to this account the binge eating disorder was not addressed in videos or comments but was widely known by the public, I believe advise would

Commented [19]: Got it thanks - and have we spoken to experts who would represent the side of expression to the creator as well?

Commented [20]: As of now, we have been consulting with NEDA and The Alliance as media inquiries have increased and clinicians are predicting Eugenia may

Commented [21]: I also want to add that restrictive eating disorders and promotion of thinness poses much more harm to users than content about someone in a larg

Commented [22]: Do we have the decision criteria by which such decisions are made?

Commented [23]: The team said they use hard metrics (rev, followers, stream hours, historical safety violations etc).

Commented [24]: Out of curiosity, if her content didn't violate the CGs, what were the report violations for?

Commented [25]: @Valerie Douglas (they/them) you confirm in lighthouse?

Commented [26]: She has had over 80,500 reports at this point. I'm unable to see any stats on what the report reason was, however, her SFV and live content has been often

Commented [27]: That sounds like report bombing. How do we handle that?

Commented [28]: Re report bombing- so far it has been handled per status quo. Typically the appeals process has correctly revoked actioning, however, I've had to handle if

* Additionally, based upon the appearance of the creator and media reports on her health, it appears that she is high risk of death from her Anorexia Nervosa. [HYPERLINK "https://onlinelibrary.wiley.com/doi/full/10.1002/wps.20128" \h] [HYPERLINK "https://onlinelibrary.wiley.com/doi/full/10.1002/wps.20128" \h]. Highlighting her account to grow her following may invite more harm to users in the case of her death.

Background on Eugenia Cooney:

Eugenia Cooney has been [HYPERLINK "https://www.businessinsider.com/eugenia-cooney-shane-dawson-youtube-downfall-controversy-2021-7" \h]. She is one of the most polarizing figures on the internet due to her known Eating Disorder. She started her social media journey on Youtube but has presence on Instagram, Youtube, Discord, and [HYPERLINK "https://www.tiktok.com/@eugeniaxxcooney?lang=en" \h].

She uses social media to document her goth style, beauty and cosplay skills along with her everyday life. She remains active on all social media platforms as she does not discuss her Eating Disorder and therefore does not violate policy. Please see [HYPERLINK "https://www.youtube.com/watch?v=DGK1FLHHu7g" \h] for an overview of the controversy surrounding Eugenia Cooney.

Eugenia Cooney's TikTok:

Handle: @eugeniaxxcooney

Number of Followers: 2.6 million

Number of Times Account has Been Reported: Over 80,000

Media Inquiries to TikTok About Eugenia Cooney:

* [HYPERLINK "https://bytedance.us.feishu.cn/docx/X4jGdj7FoVJMVxTQZ3uu8hpsPb?theme=LIGHT&contentTheme=DARK" \h]

* [HYPERLINK "https://bytedance.sg.feishu.cn/docx/Hn5ydTmZvomCl9x4FVRlkyt2gte?theme=LIGHT&contentTheme=DARK" \h]

Media Coverage of Eugenia Cooney From just the Past Month:

* [HYPERLINK "https://www.dailymail.co.uk/femail/article-12453843/Anorexic-YouTuber-Eugenia-Cooney-backlash-new-images.html" \h]

* [HYPERLINK "https://nypost.com/2023/08/01/eugenia-cooneys-thin-figure-sparks-worry-amid-eating-disorder/" \h]

Commented [29]: I was just thinking that this is sort of comparable to managing a creator's account when the creator appears high on drugs in videos (assuming we qualify both as a mental health condition). I assume we would not allow the latter, but maybe because there is a specific policy on that.

Commented [30]: In other words, even if the drug addict doesn't talk about drugs, profiting could constitute implicit endorsement.

Commented [31]: This is a really good parallel! I'm unsure of how they currently handle creators like this, but I hope its not allowed either

Commented [32]: Not the expert, but not sure if/how we would account for this off-platform behavior. But in the case of known/proven illicit drug use, assume we could lean on it being illegal behavior.

Commented [33]: do we know if she monetizes her content on other peer platforms or is part of their creator programs?

Commented [34]: I believe from my searches she does monetize on twitch and youtube. I cannot tell if she is managed but do know we got an inquiry from a Meta Trust and Safety Rep about a year ago who was seeking platforms help on shutting her account down (it is still up on instagram).

Valerie Douglas (they/them) : [JIAYI] 2023-10-27 00:34:09

Commented [35]: This isn't account monetization per say, but I searched her on YouTube this morning and there was diet pill ads.....
[image]

Commented [36]: That's in poor taste from YT.

Valerie Douglas (they/them) : [Hundred] 2023-10-27 00:39:30

Erika Crowell : [JIAYI] 2023-10-27 00:40:16

Commented [37]: CC team did a quick analysis here on YT to investigate age-gating & monetization as well: <at[HYPERLINK "https://bytedance.us.feishu.cn/sheets/PCBrSMTTh7BNtHhX4muMK68sDf" \h]

Valerie Douglas (they/them) : [WOW] 2023-10-27 02:25:38

Commented [38]: For anyone interested in more info about Eugenia, I stumbled across this YT video which explains well

- * [HYPERLINK "<https://www.dailymail.co.uk/health/article-12552475/amp/Fears-Eugenia-Cooney-eating-disorder.html>" \h]
- * [HYPERLINK "<https://seanjernan.medium.com/has-youtube-incentivized-eugenia-cooney-to-starve-herself-769e0b8bffd>" \h]

External Expert Feedback:

- * We regularly get feedback from both our US Eating Disorder Organizations, [HYPERLINK "https://www.nationaleatingdisorders.org/blog/youtube-and-national-eating-disorders-association-neda-partner-present-year-long-video-series?gad_source=1&gclid=CjwKCAjw-eKpBhAbEiwAqFL0mvf_tN1ttcfP9EFzjoJ9GmWoQnpml1xSJdDN_VAC_ZHhj-ieVQQUhoC7xIQAvD_BwE" \h] and [HYPERLINK "<https://www.allianceforeatingdisorders.com/>" \h] as well as other international partners about Eugenia Cooney's account.
- * While our partners would prefer to find a way to completely remove her account, they understand how TikTok and other social media platforms are unable to do so.
- * It has been recommended that her account be age gated, not recommended, and has advised us to prepare tailored resources in the very realistic case of her succumbing to her Eating Disorder due to her large following online.
- * Her account triggers patients daily and her name is used in call centers around the United States, specifically coming from TikTok calling into The Alliance's helpline.
- * Confirmation that Eugenia's account triggers those recovering from or actively struggling with an eating disorder and that if her account is surfaced by anyone but especially a young person, it could influence or inspire them to explore how to look similar or develop disordered eating.

YSW Expert Feedback :

- * TikTok should understand, and work to mitigate the [potentially negative] impact certain content has on teens "*developmental sensitivities*". TikTok should think about the potentially negative impact of triggering/mature content, in particular to *vulnerable youth*. These concerns were raised by Drs. Emily Weinstein and Dr. Carrie James, developmental psychologists with vast experience working with teens. Further information can be found [HYPERLINK "<https://bytedance.us.feishu.cn/docx/HbfDdX3VFoJuapxkfCVufU5wslb>" \h].
- * In consultations with TikTok partner Digital Wellness Lab, Dr. Michael Rich (Pediatrician at Boston Children's Hospital), TikTok has been cautioned about the accessibility/normalization of ED content, and its impacts on this type of content on kids and teens. Dr. Rich pointed out that "anything [content] that equates weight loss with health, is *potentially problematic*". Dr Rich also pointed out how for youth/minors, ED-related content might make it seem "*like normative behavior to lose weight*". Furthermore, Dr. David Bickahm (Professor of Pediatrics in the Division of Adolescent Medicine at Boston Children's Hospital) added that while "some content looks like safe ED recovery [...] making this

content available to younger kids is something to be careful about". Further information can be found [HYPERLINK "[\h](https://bytedance.us.feishu.cn/docs/doccnX5ShejkDxmWukXRnhxOnGe)].

* Dr Bryn Austin (Epidemiologist & Behavioral scientist-Professor of Pediatrics at Harvard Medical School), shared her concerns that "people struggling with recovery might find this [ED] content triggering". Dr. Austin added that the harm of presenting this content on the FYF outweighs its benefits. In particular, she mentioned the following "I definitely see more harm than good coming out of showing this content to the public". During an ED-Youth Safety [HYPERLINK "[\h](https://bytedance.us.feishu.cn/docs/doccnPxMP4nx3JNiSRTF0vHysrf)], Dr Austin suggested that TikTok should incorporate "warning labels (access to helplines, etc)" in ED-like content. Lastly, in particular for teens and younger users, Dr. Bryn suggested that promoting/having accessibility to ED content on teen's FYP, is "more likely to cause harm".

Efforts Made from 10/25/2024 to 11/20/2024

@Lennon Duggan, @John Draperand @Paul Wyatt have been brought in and have been working with OPM on this approach to offer a long term solution to this issue.

LIVE Programming

- * Current Status: LIVE programming has temporarily paused engaging in any further public events with Eugenia Cooney until a more permanent solution is provided. OPM and TnS at large are pushing urgently to permanently remove Eugenia Cooney from these events that promote her account.
- * OPM has communicated with relevant POCs in LIVE Programming to include Eugenia Cooney's TikTok manager (@Maggie Teng) as well as @Shen Gao. @Shadi Nayer has been brought into the discussion as well.
- * Throughout discussions with LIVE teams, the main aspect for not removing Eugenia (or any creator in a similar situation) has been the fact that TikTok's Community Guidelines are not being violated. This ensures Eugenia's (or any other creator's) eligibility to remain in TikTok creator programmes. These eligibility criteria, however, do not take into account TnS recommendations/safety concerns.
- * OPM Mental Health and Youth Safety are currently coordinating with @Lennon Duggan and Risk Analysis to offer a long-term defensible solution that would help prevent on-boarding potentially harmful creators to these programs.

Creator Fund:

- * OPM has been communicating with @Marisa Hammonds and @Kate Mingin to request Eugenia Cooney's removal from the Creator Fund on the short video side.
- * Similar to the above, GUO historically has not removed creators from CPB or CF for any reason. They rely only on moderation based on our CG and ToS. They have stated they also have to give creators a chance to appeal any kind of action taken to remove them. GUO is not able to move forward in removing Eugenia from the Creator Fund and LIVE programming at this time (at least through GUO).

Justification

- * OPM and Risk Analysis can, in the short term, offer a qualitative vetting process of creators before they are onboarded into our managed partner programs on LIVE
 - In the long term, we may want to consider hiring a third party to conduct these for bandwidth purposes. Meta uses Pinkerton for similar requests.
 - * @Valerie Douglas (they/them) is thinking through suggestions on a hard line to draw to make sure this decision is defensible. For example: Those with severe conditions such as Anorexia, Alcoholism etc should not be publicly endorsed by TikTok.
-

Appendix (Information about Eating Disorders)

- * General information on Eating Disorders:
<https://www.allianceforeatingdisorders.com/what-are-eating-disorders-2/>
- * Information on Anorexia Nervosa:
<https://www.allianceforeatingdisorders.com/anorexia-nervosa/>
- * TikTok Community Guidelines on "Disordered Eating & Body Image":
<https://www.tiktok.com/community-guidelines/en/mental-behavioral-health/#2>

SOCIAL & ECONOMIC COST OF EATING DISORDERS IN THE UNITED STATES

Report by the Strategic Training Initiative for the Prevention of Eating Disorders,
Academy for Eating Disorders, and Deloitte Access Economics

STRIPED
Strategic Training Initiative for the Prevention of Eating Disorders

[LINK TO REPORT](#)

Academy for
Eating Disorders
AED

PREVALENCE & MORTALITY

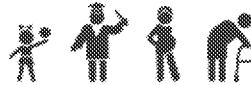


Percent of the U.S. population,
or 28.8 million Americans,
that will have an eating disorder in their lifetime

18,200 deaths per year as a
direct result of an eating disorder,
equating to 1 death every 52 minutes



EATING DISORDERS AFFECT EVERYONE:



- **All ages**, starting as young as 5 years old to over 80 years old
- **All races**, however, people of color with eating disorders are half as likely to be diagnosed or to receive treatment*
- **All genders**, with females being 2x more likely to have an eating disorder
- **All sexual orientations**

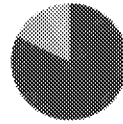
COST TO ECONOMY & SOCIETY

\$64.7 Billion } Yearly economic cost
of eating disorders

Additional loss
of wellbeing per year
\$326.5 Billion

Cost Breakdown:

Productivity Losses (\$48.6B)
Informal Care (\$6.7B)
Efficiency Losses (\$4.5B)
Health System (\$4.6B)



COST TO HOSPITAL SYSTEMS:

53,918
ER visits

costing
\$29.3M

23,560 inpatient
hospitalizations

costing
\$209.7M

LOSS PER GROUP:

\$23.5B
Individuals
& Families
Caregivers provide 6 weeks of
informal, unpaid care per year

\$17.7B
Government

\$16.3B
Employers

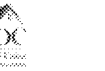
\$7.1B
Society

*Reference: AR, Capron EK. Disparities in eating disorder diagnosis and treatment according to weight status, race/ethnicity, socioeconomic background, and sex among college students. International Journal of Eating Disorders 2016; 1-9

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ENDATTACH: TIKTOK3047MDL-133-LARK-06873339

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Title: JUSTIFICATION TO REMOVE EUGENIA COONEY FROM CREATOR FUND/TIKTOK MANAGEMENT

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Received Date: 12/31/9999 7:00 PM

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