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EXHIBIT 12

EXPERT REPORT OF DR. BRIAN N. LEVINE

State of New Mexico v. Meta Platforms, Inc., et al.

State of New Mexico, First Judicial District Court, Santa Fe County

No. D-101-CV-2023-02838

July 11, 2025

Mr. Zuckerberg's feedback was "Could we revise this to: 'We will provide tools to parents to ensure u13s are in safe experiences,'" while "Boz [Andrew Bosworth]" noted "We're weak here. In theory parental controls help us on this path but they are delayed." The message states that the result of the discussion was to change the policy language to Mr. Zuckerberg's suggested wording. Notably, in the same thread, Mr. Zuckerberg's feedback on child safety goals of "Provide all developers w/ core tech to detect and prevent harmful behavior," and "Build cross-industry integrity tools to prevent worst actors in AR/VR [augmented reality/virtual reality]" was to walk it back: "Can signal, but aspirational" for both.

The effects of Meta's inability to validate ages is striking. For example, in a September 2021 write up, Meta data scientists Alison Lee and [REDACTED] discover that users ages 15 and younger are creating videos with partial nudity via Meta's TikTok-like video product Reels.³³⁹ They found that "Reels featuring kids/tweens, and teens (i.e., 0-15) dancing and posing are pervasive, and often show up on people's Reels experience, even in cold starts. While much of this content is benign (they may be uninteresting or uncomfortable for users, but not necessarily harmful), some may include risky elements (i.e., partial nudity, suggestive dance moves that are borderline CEI) that make both viewers uncomfortable and the subjects at risk...."

In a December 2021 report of the project's outcomes, Meta employees found that 20% of the accounts were "personal accounts of a teen girl, with no apparent parental supervision."³⁴⁰ And 39% were "personal accounts of an estimated under-13 minor with no apparent parental supervision. ... It's important to note that all of these accounts were marked as either 'adults' or 'unknown' by our internal stated age, which would mean that account-level age ranking and privacy treatments would leave these users vulnerable."

A September 2021 Wall Street Journal article quotes Instagram head Adam Mosseri as agreeing publicly that "you can lie about your age now [on Instagram]."³⁴¹ The same article states that Meta "had removed more than 600,000 accounts in the past three months for violating its rules on age limits," citing Meta spokesman Andy Stone as the source of the statistic.

5.1.6 Meta's platform features leave minors vulnerable and therefore at risk for exploitation

"Kyle Robinson is one year into serving a 10-year sentence at a federal prison in Massachusetts for sex trafficking two teenagers, one only 14 years old. ... Instagram, he said, was his platform of choice. 'I find the girls that have pride in themselves, but maybe don't

³³⁹ METANMAG-011-01747923.

³⁴⁰ METANMAG-018-00001967.

³⁴¹ "Facebook's Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show," Georgia Wells and Jeff Horwitz. Wall Street Journal. Sept. 28, 2021. <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; full text: <https://archive.ph/8JNx6>.

have the confidence, the self-esteem,’ he claimed. ‘I make her feel special. I give her validation, social skills, her ‘hotential’, if you know what I mean.’”³⁴² This quote, from a 2023 Guardian article on how Facebook and Instagram are “marketplaces for child sex trafficking”, illuminates the strategy of many predators of child sexual exploitation.

This strategy is well documented by researchers and observed in practice. For example, Winters et al. find that victim selection by groomers involves finding children who lack confidence or have low self-esteem, or who are lonely, isolated, troubled, needy, unwanted or unloved.³⁴³ An article by Mehta reiterates “Stage 1: Selecting the Victim. This involves identifying a vulnerable child. Offenders may engage victims on the basis of physical appearance, such as small size or young age. They may also seek out a victim for emotional or psychological characteristics, such as being low on self-esteem, neglected, or trusting.”³⁴⁴ Similarly, a whitepaper from Michigan State University states plainly that “Predators seek out potential victims by looking for children they think are vulnerable, easy targets, or less likely to report abuse. More specifically, predators look for children who: Are looking for attention; Need someone to listen to them; Lack confidence or have low self-esteem; Struggle socially ...”.³⁴⁵ And a 2019 CBS News article cites Lynn Davis, President & CEO of the Dallas Children’s Advocacy Center as saying “They go where the kids are... If you have a child who hasn’t found his place in the world yet... a child who has low self esteem. A child in a family that’s struggling. Predators look for those kids.”³⁴⁶

Meta employees agree: in a May 2022 presentation entitled “Child Safety on Messenger,” Safety Policy Director [REDACTED] and Safety Policy Manager Ravi Sinha note a similar

³⁴² “How Facebook and Instagram became marketplaces for child sex trafficking”, Katie McQue and Mei-Ling McNamara. The Guardian. April 27, 2023. <https://www.theguardian.com/news/2023/apr/27/how-facebook-and-instagram-became-marketplaces-for-child-sex-trafficking>.

³⁴³ “Validation of the Sexual Grooming Model of Child Sexual Abusers,” Winters, G. M., Jeglic, E. L., and Kaylor, L. E. (2020). Journal of Child Sexual Abuse, 29(7), 855–875. <https://doi.org/10.1080/10538712.2020.1801935>. See also “A Cross-National Study of Direct and Indirect Effects of Cyberbullying on Cybergrooming Victimization via Self-Esteem,” Wachs S., Jiskrova G.K., Vazsonyi A.T., Wolf K.D., Junger M. Psicol. Educ. 2016;22:61–70. <https://journals.copmadrid.org/psed/art/j.pse.2016.01.002>.

³⁴⁴ “The 5 Stages of Predatory Sexual Grooming,” Vinita Mehta. Psychology Today. September 28, 2022. <https://www.psychologytoday.com/us/blog/head-games/202209/the-5-stages-predatory-sexual-grooming>.

³⁴⁵ “How Child Sexual Predators Groom Children,” Kylie Rymanowicz. Michigan State University. <https://www.canr.msu.edu/creating-safe-environments/uploads/files/Final%20-%20Grooming%20Children.pdf> Internal citations removed.

³⁴⁶ “Predators Seek Children With Low Self Esteem And Vulnerable Parents, Dallas Children’s Advocacy Center Explains,” CBS News Texas. February 11, 2019. <https://www.cbsnews.com/texas/news/predators-seek-children-low-self-esteem-vulnerable-parents-dallas-child-advocacy-group/>.

conclusion.³⁴⁷ They write that “High reach problems with low severity (such as Body image, Loneliness, Anxiety, Depression, Passive use, Addiction/time spent) Can lead to more downstream effects like: Child Exploitation Imagery (CSAM), Minor sexualization (MS), Inappropriate Interactions w/Children (IIC), and Human exploitation (HEX).”³⁴⁸

A March 2021 presentation (discussed above) entitled “Youth Vision Kickoff” offers that “Child safety: Likely targets are children, women, and vulnerable populations. ... Other vulnerable populations include (but are not limited to): ... users who may struggle with mental health issues.”³⁴⁹ And even back in a November 2019 internal chat, [REDACTED] confirms that Meta employees understand the link, writing, “[I] have been working on a strategy to launch campaigns focused on self esteem and loneliness since those are key factors that play into IIC [Inappropriate interactions with children].”³⁵⁰

Unfortunately, vulnerable youth are accessible to adults on Meta platforms. External studies have shown there is a correlational relationship between social media use and teen mental health. An Advisory from the US Surgeon General in 2023 on “Social Media and Youth Mental Health” points out that

In addition to these recent studies, correlational research on associations between social media use and mental health has indicated reason for concern and further investigation. These studies point to a higher relative concern of harm in adolescent girls and those already experiencing poor mental health as well as for particular health outcomes like cyberbullying-related depression, body image and disordered eating behaviors, and poor sleep quality linked to social media use. For example, a study conducted among 14-year-olds (n = 10,904) found that greater social media use predicted poor sleep, online harassment, poor body image, low self-esteem, and higher depressive symptom scores with a larger association for girls than boys. A majority of parents of adolescents say they are somewhat, very, or extremely worried that their child’s use of social media could lead to problems with anxiety or depression (53%), lower self-esteem (54%), being harassed or bullied by others (54%), feeling pressured to act a certain way (59%), and exposure to explicit content (71%).³⁵¹ [Internal citations removed.]

³⁴⁷ METANMAG-005-00508074.

³⁴⁸ This statement is also in another presentation where it appears on Mr. Sinha is the only presenter: METANMAG-021-00512957.

³⁴⁹ MT-IG-AG-NM-000203191 Authors (and their titles) are listed as: [REDACTED], Messenger Kids; Shayli Jimenez, IG Growth; Kenzie Snyder, IG Ecosystems; [REDACTED], Messenger Kids; Shruti Bhutada, IG Well-Being (Mental Health); Hitomi Hayashi-Branson, IG Well-Being (Child Safety); and [REDACTED], Privacy.

³⁵⁰ MT-IG-AG-NM-000096795.

³⁵¹ “Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory,” <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

A 2022 presentation on “Social Comparison, Exploratory Research” from Shruti Bhutada of Product Research and Wendy Gross of Marketing Insights suggested several alarming aspects of Instagram.³⁵² Based on interviews with a small number of users, they offered several conclusions. “Higher standards decrease self-esteem, until they’re recognized as being unattainable” and that “Comparisons on Instagram can change how young women view and describe themselves”. “Users experience of downward spiral is exacerbated by our platform,” “Aspects of Instagram exacerbate each other to create a perfect storm: highlight reel norm; pressure to look perfect; feeding the spiral”. “Social comparison is worse on Instagram. It is perceived as real life, but based on celebrity standards. Explore and profile stalking enables never-ending rabbit holes. Celebrity content is more frequent but friends’ content is more impactful in terms of social comparison”. Finally, that “Other apps are shielded by fun filters. TikTok is grounded in dance, fun. Snapchat is sheltered by the element of fun that keeps focus on the face and not the body and sharing with close friends.”

Ms. Gross conducted a larger study in 2022 in collaboration with [REDACTED] of Product Marketing.³⁵³ They reported on data from recruiting 40 Instagram users for an in-person focus group and 2,503 Instagram users in an online survey. They found that “one in five teens say that Instagram makes them feel worse about themselves...” And that “Teens blame Instagram for increases in the rates of anxiety and depression among teens. This reaction was unprompted and consistent across all groups. Constant comparison on Instagram is ‘the reason’ why there are higher levels of anxiety and depression in young people.... For both boys and girls, this was called out as being the number one reason why IG is worse than other platforms for mental health. And, young people openly attribute their increased level of anxiety and depression to Instagram.” “Teens who struggle with mental health say Instagram makes it worse.” “Teens not satisfied with their lives are more likely to say IG makes them feel worse than those who are satisfied” and that “Impact from comparisons to others” leads to “Self-esteem, anxiety and insecurity”.

Meta consistently claims it separates adults and children but is too often unwilling (or as discussed above) unable to do so. In December 2019, as part of a series of articles, the New York Times wrote about how “Video Games and Online Chats Are ‘Hunting Grounds’ for Sexual Predators”.³⁵⁴ The article notes Meta’s quick action when put in the spotlight:

A Facebook spokeswoman said it had made a variety of efforts to separate adults from children, including limiting how adults can message and connect with them. The Times was able to find minors by looking at users’ lists of friends and activities on

³⁵² MT-IG-AG-NM-000000278. See also “Facebook Acknowledges Some Social-Media Use Is Harmful. Rare admission follows criticism by former executives of Facebook’s imprint on the world,” Deepa Seetharaman. Dec. 15, 2017. Wall Street Journal. <https://archive.md/YUaci>.

³⁵³ MT-IG-AG-NM-000000122.

³⁵⁴ “Video Games and Online Chats Are ‘Hunting Grounds’ for Sexual Predators,” Nellie Bowles and Michael Keller. December 7, 2019. <https://www.nytimes.com/interactive/2019/12/07/us/video-games-child-sex-abuse.html>.

pages popular with children. Instagram, owned by Facebook, does not have the same restrictions. Until this past week, it had allowed users to send private messages to anyone, and a Times reporter was able to contact and video-chat with a 13-year-old girl who had a private account (the girl and her parents gave permission to conduct the test). After The Times asked about the policy, Instagram announced new features on Wednesday that allow users to block messages from people they do not follow.³⁵⁵ The company said it would also require users to enter their age when signing up.

The article is another example of Meta reacting to public pressure rather than conducting a safe-by-design analysis.

In a September 2020 email thread, Instagram Communities director [REDACTED] notes that “This new data shows that prevalence of ‘sex talk’ to minors is 38X on IG Direct vs Facebook Messenger, in US. This is largely due to a much larger potential victim pool on IG vs Messenger (32x) but is concerning. CI [the Content Integrity team] is reconsidering their investment in child safety mitigation and planning to invest more than previously planned into IG for 2021.”³⁵⁶ Similarly, in October 2020, Mr. Otaru notes that although prevalence of child sexual abuse is rampant on Instagram, they will merely “consider” some separation of minors and adults. He writes: “Recent prevalence metrics indicate that Tier 2 IIC is 3x more prevalent on IGD [Instagram Direct] than Messenger; on IGD, 500k non-adult accounts receive Tier 2 IIC every week. We will audit the measures in place on Facebook/Messenger and adapt high-impact measures for IGD. For example, we will consider restricting flagged IIC groomers from sending message requests to non-adult accounts.”³⁵⁷

5.1.7 Meta has deployed end-to-end encryption (E2EE) on its platform despite harms to children

Meta has regularly stated that it has “zero tolerance for child exploitation imagery”.³⁵⁸ Yet this stance is at odds with its deployment of end-to-end encryption (E2EE) of content exchanged with children and among its adult users. E2EE prevents the review, detection, prevention, and response of CSAM/CSEC as well as the provision of information to law

³⁵⁵ Meta has provided discovery responses stating that, as of early 2025, only about “0.08% of age 13-17 Users predicted to reside in the U.S. enabled” its opt-in “Limit Interactions” feature, which “limit[s] comments and direct message requests from people who do not follow them or only recently followed them on Instagram.” See Defendants’ Seventh Supplemental Objections and Responses to Plaintiff’s First Set of Interrogatories to Defendants (Interrogatories 1, 4, 5, 12).

³⁵⁶ MT-IG-AG-NM-000171201.

³⁵⁷ MT-IG-AG-NM-000004084.

³⁵⁸ See e.g., “Instagram baby-selling bust prompts call for ‘cyber patrols’,” Beh Lih Yi. Reuters. October 18, 2018. <https://www.reuters.com/article/world/instagram-baby-selling-bust-prompts-call-for-cyber-patrols-idUSKCN1MS0QD/>. Quoting “zero-tolerance policy prohibiting child exploitation” in <https://committees.parliament.uk/writtenevidence/106653/pdf/>.