

**IN THE CHANCERY COURT FOR THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI**

STATE OF MISSISSIPPI, *ex rel*

LYNN FITCH, ATTORNEY GENERAL)

Plaintiff,)

vs.)

No. 2023-1205

META PLATFORMS, INC.,)

INSTAGRAM, LLC,)

META PAYMENTS INC.,)

META PLATFORMS)

TECHNOLOGIES, LLC,)

Defendants.)

FIRST AMENDED COMPLAINT

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1. The Honorable Lynn Fitch, Attorney General, brings this action on behalf of the State of Mississippi (the “State” or “Plaintiff”), in its sovereign capacity and in its capacity as *parens patriae*. This action seeks equitable, statutory, and legal relief under the Mississippi Consumer Protection Act (“MCPA”), Miss Code Ann. § 75-24-1 *et seq.*

INTRODUCTION

2. The Attorney General investigated Meta for potential violations of law, including the MCPA. The investigation revealed that Meta flagrantly and repeatedly engaged in unfair and deceptive conduct at the expense of consumers—young people particularly—across the country and in Mississippi.

3. The MCPA prohibits “unfair methods of competition affecting commerce and unfair or deceptive trade practices in or affecting commerce.” Miss. Code Ann. § 75-24-5; *Watson Labs., Inc. v. State*, 241 So. 3d 573, 589 (Miss. 2018). Such prohibited practices include misrepresenting that goods and services have “characteristics [or] qualit[ies]” that they do not have. Miss. Code Ann. § 75-24-5(e)(g).

4. Meta has designed its products, Facebook and Instagram, (“Social Media Platforms”) to be addiction machines, targeting people under the age of 18 (“Young Users”) and more insidiously children under the age of 13 (“Youngest Users”) who, as Meta well knows, have developmentally limited capacity for self-control.

5. This did not happen by accident. Meta dedicated vast resources to develop an understanding of Young Users’ behavior and psychology so that it could better exploit Young Users’ developmental vulnerabilities through irresistible design features. Meta did this to capture an ever-increasing amount of Young Users’ time and data, for the benefit of Meta’s business.

6. Unlike other consumer products and services that have appealed to children for generations—like candy or soda—with Social Media Platforms there is no natural break point where the consumer has finished the unit of consumption. Instead, Social Media Platforms are a bottomless pit where users can spend an infinite amount of their time. And Meta profits from each additional second a user spends on its platforms.

7. Meta has designed its Social Media Platforms to exploit that dynamic by embedding within its platforms an array of design features that maximize youth engagement, peppering them with reminders to “log on” and making it psychologically difficult to “log off.” These features—including push notifications, automatically-playing videos, infinite scrolling, and ephemeral content—each serve as an obstacle to Young User’s free decision-making.

8. As the U.S. Surgeon General recently explained, children’s attempt to resist social media is an unfair fight: “You have some of the best designers and product developers in the world who have designed these products to make sure people are maximizing the amount of time they spend on these platforms. And if we tell a child, use the force of your willpower to control how much time you’re spending, you’re pitting a child against the world’s greatest product designers.”¹

9. Facebook and Instagram’s design and platform features have fueled the explosive increase in the amount of time that Young Users spend on these platforms. As Meta’s internal data confirms—and as anyone who has recently spent time with adolescents can attest—Meta has successfully induced Young Users to spend vast amounts of time on its Social Media Platforms. Indeed, for many Young Users, Social Media Platforms are viewed as an indispensable part of

¹ Allison Gordon & Pamela Brown, *Surgeon General says 13 is ‘too early’ to join social media*, CNN (Jan. 29, 2023), <https://www.cnn.com/2023/01/29/health/surgeon-general-social-media/index.html>.

their identity, a forum to share a carefully cultivated personality “highlight reel,” and a place where they must constantly be “present”—whether they want to or not.

10. All the while, Meta understands that Young Users’ time spent on its Social Media Platforms is not the product of free choice. As Meta’s internal studies repeatedly demonstrate—and as a growing chorus of independent researchers have confirmed—Young Users feel addicted to these platforms. They widely report difficulty controlling their time spent on the applications (also referred to as “app” or “apps”). And they frequently express that they would prefer to spend meaningfully less time on Social Media Platforms but feel powerless to do so. Still, Meta has not introduced any product changes to meaningfully reduce its platforms’ addictiveness.

11. The widespread compulsive use that Meta induced—and allowed to continue unabated—has come at a massive societal cost. In effect, Meta is conducting a potentially society-altering experiment on a generation of Young Users’ developing brains. While this experiment’s full impact may not be realized for decades, the early returns are alarming.

12. Researchers warn that compulsive use of social media platforms impose a wide range of harms, including increased levels of depression, anxiety, and attention deficit disorders; altered psychological and neurological development; and reduced sleep, to name a few. And that is to say nothing of the immense opportunity cost imposed when youth spend critical years glued to social media platforms, not engaged in the varied and profound experiences associated with growing up in the physical world.

13. In short, Meta’s business strategy that purposefully addicts Young Users to its Social Media Platforms has caused widespread and significant injury to Mississippians. This is an unfair practice that violates the MCPA.

14. In addition to those unlawful, unfair practices, Meta also violated the MCPA by deceiving Mississippi consumers—and, critically, parents—on a large scale. Under the MCPA, a business engages in deceptive conduct when its acts, statements, or omissions have the capacity or tendency to deceive, whether that is intentional or not. Here, Meta misled consumers, parents, and guardians by concealing the various and significant risks Social Media Platforms present to its users, particularly Young Users.

15. First, Meta has long known that Instagram was on-balance harmful for users, and especially ruinous for young women. But Meta did not share that information with consumers. Instead, Meta’s leadership—including founder and Chief Executive Officer Mark Zuckerberg—repeatedly declined employees’ requests to fund measures that would reduce Instagram’s known harms. And rather than make its knowledge public, Meta limited internal access to incriminating findings to mitigate the risk that information would be leaked to consumers, parents, and policymakers.

16. In one particularly distressing episode, Zuckerberg personally intervened to lift a ban on “selfie” filters that mimicked plastic surgery effects, even though Meta’s retained experts overwhelmingly found that those filters had devastating effects on young women. Zuckerberg did this over the strong recommendation of employees and other executives. Meta never disclosed the harmful effects of this platform feature.

17. Second, Meta publicizes its “Community Standards Enforcement Reports,” to create the façade that its Social Media Platforms are a safe platform where harmful content was rarely encountered. Specifically, these reports touted the low “prevalence” of Community Standards violations, which the Company used as evidence that its platforms are safe. But that

is a false narrative that misleads consumers about the true extent of harmful experiences on Facebook and Instagram.

18. To illustrate, in the third quarter 2021 Community Standards Enforcement Report, Meta showcased the low “prevalence” of violating content, estimating for example that “between 0.05% to 0.06% of views were of content that violated our standards against bullying & harassment [on Instagram].” That creates the impression that bullying and harassing content is extremely rare on Instagram—5 or 6 in 10,000 pieces of content.

19. In reality, bullying and harassing content is rampant on Instagram—most of it just does not violate Instagram’s Community Standards (which reasonable consumers, parents, and guardians would have no reason to know). Meta’s unpublished internal surveys show that the incidence of bullying and harassing content is staggering, particularly among Young Users. According to Meta’s robust internal survey taken during roughly the same time period, users reported that within the last seven days on Instagram:

- 28.3% of all users witnessed bullying;
- 48.7% of users 13-15-year-olds witnessed bullying;
- 50% of users 16-17-year-olds witnessed bullying;
- 8.1% of all users were the target of bullying;
- 21.8% of users 13-15-year-olds were the target of bullying;
- 11.9% of all users received unwanted advances;
- 24.4% of users 13-15-year-olds received unwanted advances; and,
- 25.4% of users 16-17-year-olds received unwanted advances.

20. While reasonable consumers could not have understood the difference between Meta’s reported “prevalence” metrics and the actual incidence of harm on Instagram, Meta’s

leadership certainly did. In an email that pulled no punches, Meta’s former Director of Integrity raised alarms about this issue to Zuckerberg, former Chief Operating Officer Sheryl Sandberg, and Instagram Head Adam Mosseri. Meta’s leadership ignored that email and continues to issue misleading reports to this day.

21. The State obtained testimony from the former Director of Integrity during its investigation. When asked if he believed “that Mr. Zuckerberg and other Company leaders focused on the ‘prevalence’ metric because it created a distorted picture about the safety of Meta’s platforms,” he testified “I do.”² When asked if he thought “Mr. Zuckerberg’s public statements about prevalence created a misleading picture of the harmfulness of Meta’s platforms,” he testified “I do.” And when asked if he was aware of any instances where the Company, in his view, minimized (i.e., downplayed) the harms users were experiencing on Meta’s platforms, he testified:

“Every time that a Company spokesperson in the context of harms quotes prevalence statistics I believe that is what they are doing, that they’re minimizing the harms that people are experiencing in the product.”

22. Third, Meta misled the public through false, affirmative statements about its commitment to well-being related products and features. For instance, it long touted its “Time Spent” tools as a way for users (and parents) to manage engagement on Meta’s platforms and as a demonstration of Meta’s commitment to well-being. But when Meta learned that its “Time Spent” tools delivered inaccurate data to consumers, Meta refused to sunset those tools—preferring to mislead its users (and parents) than suffer a public-relations hit for rolling back or fixing a purported “wellness” feature.

23. Fourth, Meta made material misrepresentations to develop trust among consumers, parents, and guardians that its Social Media Platforms are a safe place for Young Users. In various

² Arturo Bejar Deposition (May 16, 2023).

public channels, Meta deceptively represented (1) that it does not prioritize increasing users' time on its platforms; (2) that it protects Young Users from harmful or inappropriate content on its platforms; (3) that it does not place a monetary value on Young Users' use of Meta platforms; (4) that it has not changed its internal data and research access policies in response to The Wall Street Journal's 2021 coverage of its internal research findings; and (5) that its platforms are not addictive.

24. In sum, through its acts, omissions, and statements, Meta carefully created the impression that its Social Media Platforms were and *are still* a safe platform where users were unlikely to experience significant harm and where users' mental health was an important Company priority. That representation was material, false, and misleading.

25. Based on this misconduct, and as more fully described below, Mississippi brings this action pursuant to the Mississippi Consumer Protection Act, Miss. Code Ann. § 75-24-1 *et seq.*

PARTIES

26. Meta Platforms, Inc. ("Meta Platforms") is a Delaware corporation with a principal place of business in Menlo Park, California. Until October 28, 2021, Meta Platforms was known as Facebook, Inc. Meta, through itself or its subsidiaries, develops, markets, and operates Social Media Platforms and other internet-based platforms and products including Facebook, Instagram, Messenger, and WhatsApp. Meta also develops, markets, and operates the Virtual Reality ("VR") Social Media Platform Horizon Worlds.

27. Meta transacts or has conducted business in Mississippi and throughout the United States. At all times material to this Complaint, acting alone or in concert with its subsidiaries

(identified below), Meta has advertised, marketed, and distributed the Meta platforms to consumers throughout the United States, including Mississippi.

28. Meta Payments, Inc. (“Meta Payments”) is incorporated in the State of Florida with its principal place of business in Menlo Park, California. Meta Payments manages, secures, and processes payments made through Meta Platforms, among other activities. Meta Payments is a wholly owned subsidiary of Meta Platforms and Defendant Meta Platforms is the sole member of Meta Payments.

29. Meta Platforms Technologies, LLC (“Meta Technologies”) is a Delaware limited liability company with its principal place of business in Menlo Park, California. Originally organized as “Oculus VR, LLC,” and previously known as Facebook Technologies, LLC, Meta Technologies was acquired by Meta in 2014. Meta Technologies develops Meta’s virtual and augmented reality technology, such as the Meta Quest line of services, among other technologies related to Meta’s platforms. Defendant Meta Platforms is the sole member of Meta Technologies.

30. Following the success of Facebook, Meta expanded considerably through a series of acquisitions. On April 9, 2012, Meta purchased Instagram. Meta acquired Instagram in part because it believed that Instagram was a potential competitor and a threat to Meta’s market share.³

31. More importantly, Instagram was most popular among young users—a market where Meta was seeking to expand, as Facebook’s primary audience aged and the platform lost its “cool” factor.⁴

32. Instagram, LLC, is a Delaware corporation with a principal place of business in Menlo Park, California. Instagram LLC is a subsidiary of Meta Platforms, Inc.

³ House Judiciary Committee documents (Mark Zuckerberg emails to David Ebersman February 28, 2012 and to unknown recipient April 9, 2012, 2012).

⁴ Arturo Bejar Deposition (May 16, 2023), 262:22-23.

33. All of the allegations described in this Complaint were part of, and in furtherance of, the unlawful conduct alleged herein, and were authorized, ordered and/or done by Defendants' officers, agents, employees, or other representatives while actively engaged in the management of Defendants' affairs within the course and scope of their duties and employment, and/or with Defendants' actual, apparent and/or ostensible authority.

34. The State of Mississippi is the sole Plaintiff in this action, brought in its name on relation of the Attorney General, the Honorable Lynn Fitch. Acting as a constitutional officer of the State possessing the power and authority under the common law and statute, the Attorney General institutes this action to protect the State's sovereign interest in enforcing its laws and quasi-sovereign interest as *parens patriae* in the health and economic interests of its residents.

SOVEREIGN INTEREST

35. The Attorney General believes this action to be in the public interest of the State of Mississippi. The State has reason to believe that Meta has engaged in, and will continue to engage in, the unlawful practices set forth below. The State further believes Meta has caused and will cause adverse effects to consumers in Mississippi and to the State of Mississippi.

JURISDICTION AND VENUE

36. The Complaint does not confer diversity jurisdiction upon federal courts pursuant to 28 U.S.C. § 1332, as the State is not a citizen of any state and this action is not subject to the jurisdictional provision of the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d). Federal question subject matter jurisdiction under 28 U.S.C. § 1331 is not invoked by the Complaint. Nowhere does the State plead, expressly or implicitly, any cause of action or request any remedy that necessarily arises under federal law.

37. The Chancery Court is authorized to hear this matter under Miss. Code. Ann § 75-24-9 and as a court of general jurisdiction.

38. This Court has personal jurisdiction over each Defendant pursuant to Miss. Code. Ann § 13-3-57 because through the conduct described herein each Defendant is deemed to be doing business in Mississippi as is described more fully below, Defendants entered contracts with Mississippians, directed marketing efforts towards Mississippians, sold the opportunity to advertise to Mississippians, and monitored their business success in Mississippi. The allegations in this Complaint, and in particular Paragraphs 84-97, establish that Defendants had minimum contacts with Mississippi and are incorporated by reference herein.

39. Venue is proper under Miss. Code Ann. § 11-11-3.

PRE-SUIT DISPUTE RESOLUTION

40. Though not required if the State does not seek damages in its proprietary capacity, the State attempted to informally mediate this dispute with Meta on October 19, 2023, in Nashville, Tennessee, and gave notice of this suit to Meta by letter on October 9, 2023. *See* Miss. Code Ann. § 75-24-15(2).

FACTS

I. META ENGAGES IN TRADE AND COMMERCE THROUGH ITS ADVERTISING-BASED BUSINESS MODEL.

41. Meta has engaged and continues to engage in conduct that constitutes “trade” and “commerce” as defined in Miss. Code Ann 75-24-3(b) (defining said terms to “mean the advertising, offering for sale, or distribution of any services and any property tangible, or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situated, and shall include without limitation, both domestic and foreign persons, irrespective of

their having qualified to do business within the state and any trade of commerce directly or indirectly affecting the people of this state.”).

A. Meta Offers its Platforms in Exchange for Consumers’ Valuable Consideration that Enables Meta to Sell Advertising.

42. Meta owns, operates, and controls several social technology services, including multiple social media platforms. Among those are Facebook and Instagram, which for years have been among the most popular social media platforms globally and in Mississippi.

43. Through their mobile apps and websites, Facebook and Instagram offer consumers—including Mississippi consumers—the opportunity to connect with friends, follow accounts, and explore various interests.

44. On Instagram, consumers interact with different “surfaces.” Those surfaces include the main “Feed” and “Stories” that display content posted by accounts the consumer follows; the “Explore” surface that suggests new content to consumers; the “Reels” surface, focused on short-form videos; and the “Direct Messaging” surface, which allows consumers to send messages to one another.

45. No two consumers’ experiences on Facebook or Instagram are the same. Rather, Meta’s platforms present a customized display to each consumer based on the interest and preferences they express on the platform, along with other data in Meta’s possession.

46. To fully access Meta’s Social Media Platforms, consumers must create an account.

47. As part of the account-creation process, consumers enter into a contract with Meta⁵.

48. By entering into these contracts, users agree to comply with Facebook and Instagram’s Terms of Use.

⁵ See Instagram Terms of Use. <https://www.facebook.com/help/instagram/478745558852511>; Facebook Terms of Service. <https://www.facebook.com/legal/terms>.

49. Meta also represents itself as a common enterprise. Meta’s financial disclosures describe Facebook, Instagram, Messenger, and WhatsApp, as Meta’s “‘family’ of products,” and report revenue and expenses for the entire “family” together.⁶ Instagram’s Terms of Use agreement currently identifies “The Instagram Service” as “one of the Meta Products, provided to you by Meta Platforms, Inc.”⁷ Meta’s supplemental terms of service for its “Meta Platforms Technologies Products” is similarly styled as an agreement between Meta Platforms, Inc. and the user.⁸ Meta Platforms Technologies Products are defined to include its VR-related products, such as its Meta Quest and Oculus virtual reality headsets, and Meta Horizon Worlds, its virtual reality Social Media Platform.⁹ Meta Platforms also reports its revenue from its VR business segment in its financial disclosures.¹⁰

50. Although users can establish accounts on Meta’s Social Media Platforms without paying a fee, Meta does not provide its products and services for free—rather, it charges its users by collecting their data and time, which Meta then converts into advertising dollars.

51. In exchange for the right to use Facebook and/or Instagram, consumers agree to a host of terms that power Meta’s advertising business.

52. For example, this is confirmed by Instagram’s terms of use:

We agree to provide you with the Instagram Service. . . . Instead of paying to use Instagram, by using the Service covered by these Terms, you acknowledge that we can show you ads that businesses and organizations pay us to promote on and off the Meta Company

⁶ Meta Platforms, Inc. Form 10-Q, 1, 4, 33, (Q2 2023), <https://archive.ph/MSvSt>.

⁷ Instagram Help Center, *Terms of Use*, (2023), <https://archive.ph/pteWx>.

⁸ Supplemental Meta Platforms Technologies Terms of Service, <https://www.meta.com/legal/supplemental-terms-of-service>.

⁹ Meta Platforms Technologies Products Definition, <https://www.meta.com/legal/meta-platforms-technologies-products>.

¹⁰ Meta Platforms, Inc. Form 10-Q, 31, (Q1 2023), <https://archive.ph/T6xDK>.

Products. We use your personal data, such as information about your activity and interests, to show you ads that are more relevant to you.¹¹

53. In other words, under Facebook and Instagram’s Terms consumers pay for the platforms experience by allowing Meta to build its advertising business with consumers’ time and attention.

54. Consumers also pay for Facebook and Instagram by agreeing to give Meta access to vast reams of data arising out of their platform use. Under Instagram’s Terms, consumers “must agree to [Meta’s] Privacy Policy to use Instagram.”

55. Pursuant to Meta’s Privacy Policy, each consumer must agree that Meta may collect a host of data, ranging from information about the consumer’s activity on Facebook and Instagram (such as the content they like and accounts they follow); the messages the consumer sends and receives; the content the consumer provides through Instagram’s camera feature and the consumer’s camera roll; the ways the consumer interacts with ads, the time the user spends interacting with various pieces of content; the hardware and software the consumer is using, the GPS, Bluetooth signals, nearby Wi-Fi access points, beacons and cell towers; and many other categories of data.

56. Consumers’ payment in the form of time, attention, and data enables Meta to sell highly targeted, data-informed advertising opportunities, which is the foundation of Meta’s business.

B. Advertising Is the Core of Meta’s Business.

57. Deploying this business model, Meta has become one of the largest and most profitable advertising companies in the history of the world.

¹¹ Instagram Help Center, Terms of Use, (2023), <http://archive.today/pteWx>.

58. In particular, Meta has capitalized on its ability to offer highly targeted, data-informed advertising opportunities.

59. As Zuckerberg has explained, “based on what pages people like, what they click on, and other signals, we create categories...and then charge advertisers to show ads to that category. Although advertising to specific groups existed well before the internet, online advertising allows much more precise targeting and therefore more-relevant ads.”¹²

60. On information and belief, relative to traditional advertising formats, Meta charges businesses a premium to access the “much more precise” advertising opportunities it can offer on its Social Media Platforms.

61. On information and belief, consumers are served targeted advertisements during all or nearly all sessions on Facebook and Instagram. And consumers see advertisements almost constantly on Facebook and Instagram, often several times per minute. The advertisements Meta displays on its platforms are interwoven into most if not all of its “surfaces.”

62. In these ways, viewing advertisements is a core part of the Facebook and Instagram experience.

63. Given this business model, Meta is motivated to maximize the time users spend on Facebook and Instagram.

64. One incentive is that the more time users spend on Meta’s platforms, the more “inventory” Meta can sell. For instance, if a user increases his/her time spent viewing their Facebook or Instagram “feed” from one to five hours per day, Meta can deliver roughly five times the number of advertisements to that user. As a result, Meta can sell advertising opportunities that

¹² Understanding Facebook’s Business Model, Mark Zuckerberg, January 24, 2019, [Understanding Facebook’s Business Model | Meta \(fb.com\)](#).

otherwise would not have existed. The increase in time spent therefore significantly increases the profits Meta can make off this user.

65. Another incentive is that the more time a user spends on Facebook or Instagram, the more data Meta collects about that user, which Meta translates into additional profits in various ways.

66. As described more fully below, Meta has succeeded in capturing a breathtaking amount of consumer time, attention, and data—especially the time of Young Users.

C. Meta Prioritizes Acquiring Young Users and Maximizing Their Time Spent on its Platforms.

67. In Meta’s business model, not all consumers are created equal. Young Users are Meta’s prized demographic.

68. Meta has pursued increasing Young Users’ time spent on its platforms as one of the Company’s most important goals.

69. For instance, as of November 2016, Meta’s “overall goal remain[ed] total teen time spent . . . with some specific efforts (Instagram) taking on tighter focused goals like U.S. teen total time spent.”¹³

70. This strategy was directed by Zuckerberg, who “decided that the top priority for the company in 2017 is teens.”¹⁴

71. As Meta knows, Instagram is especially appealing to Young Users and is Meta’s most popular app within that demographic. Meta therefore devotes vast resources to increasing Young Users’ engagement on Instagram.

¹³ MT-IG-AG-00147577

¹⁴ MT-IG-AG-00212419

72. Meta’s internal studies show that Young Users have an outsized influence on their entire households’ attitudes towards Instagram. As Meta’s internal research shows, “[t]eens are household influencers bringing [family] members (parents and younger siblings) to IG, as well as shaping what is ‘normal’ behavior on IG.”¹⁵

73. Even more fundamentally, Meta pursues Young Users because Meta’s advertising customers value that audience.

74. Among other reasons, Meta’s advertising partners want to reach Young Users because they: (1) are more likely to be influenced by advertisements, (2) may become lifelong customers, and (3) set trends that the rest of society emulates.

75. Notably, Meta allows advertisers to target Young Users on Instagram based on their age and location.¹⁶

76. On information and belief, many advertisers pay Meta a premium to serve advertisements to Young Users. And many advertisers are willing to pay Meta for the opportunity to reach Young Users in specific geographic markets, such as those in Mississippi.

77. Meta is motivated to increase Young Users’ time spent on its platforms not only because it is a meaningful stream of advertising business, but also, because the data that Meta collects from that use is itself highly valuable to the Company.

78. On information and belief, Meta has worked to maximize Young Users’ “time spent” throughout its corporate history.

79. This is especially true of Instagram, which is central to Meta’s Young Users acquisition strategy.

¹⁵ MT-IG-AG-00022634 (pg. 3)

¹⁶ MT-IG-AG-00003503

80. In short, Meta has many strong short-term and long-term financial incentives to increase the time that Young Users spend on its platforms.

81. As described below, Meta has chased that goal with incredible success, capturing a mind-boggling amount of time and attention from a generation of Young Users.

82. Meta has profited immensely from its business model. Meta reported earning \$116.6 billion in revenue in 2022, with \$23.2 billion in net income, making Meta one of the largest companies in the United States by revenue and income. And because of his ownership stake in Meta, Zuckerberg is one of the wealthiest people in the world.

83. In addition to financial success, Zuckerberg's role as Meta's CEO and Founder has made him a public figure able to exert significant influence not only over the Company, but also over society at large. In a private email exchange with at least four billionaires (and a Knighted former Member of Parliament), one of Meta's major investors told Zuckerberg that he believed "Mark Zuckerberg has been cast as *the spokesman* for the Millennial Generation – as the single person who gives voice to the hopes and fears and the unique experiences of this generation, at least in the USA." In a response, Mr. Zuckerberg agreed with that sentiment, stating that he is "the most well-known person of [his] generation."¹⁷

D. Meta Directed Its Business Model Towards Mississippi.

84. Defendants' Social Media Platforms are massively popular among Young Users in Mississippi.

¹⁷ MT-IG-AG-00239874

85. According to Meta’s internal metrics, from July 2020 to June 2021 an average of 273,000 Mississippi teens used Instagram monthly.¹⁸ During that time, an average of 187,000 Mississippi teens used Instagram daily.¹⁹

86. Between October 2022 and April 2023, an average of 208,000 “young adults” (according to Meta’s internal definition) in Mississippi used Instagram daily.²⁰ During that time, an average of 345,000 “young adults” in Mississippi used Instagram monthly.²¹

87. Meta is able to achieve this level of engagement in Mississippi at least in part because it consciously directed its business into Mississippi in several ways. As part of that effort, Meta took—and continues to take—steps to enhance its brand in Mississippi.

88. For example, in February 2017, Meta Chief Executive Officer Mark Zuckerberg travelled with his wife on a publicity tour throughout Mississippi,²² documenting his experiences in the State and publishing them on Meta’s Platforms.²³

89. Additionally, in 2021, Meta announced an investment in a new solar and battery storage project in Mississippi to power two data centers, which project is expected to be completed later this year.²⁴

¹⁸ MT-IG-AG-00216682

¹⁹ *Id.*

²⁰ MT-IG-AG-00216683.

²¹ *Id.*

²² *Mark Zuckerberg’s Mississippi road trip: Will Facebook’s CEO stop in Oxford?*, Oxford Eagle (Feb. 22, 2017) (available at <https://www.oxfordeagle.com/2017/02/22/facebook-ceo-mark-zuckerbergs-mississippi-road-trip-will-he-stop-in-oxford/>)

²³ <https://www.instagram.com/p/BQ1WjtvjHti/?hl=en> (February 22, 2017 post of Clarksville, Mississippi, from Mark Zuckerberg’s public Instagram account).

²⁴ Dimitris Mavrokefalidis, *Facebook invests in new solar and storage project in Mississippi*, Energy Live News (Mar. 10, 2021) (available at <https://www.energylivenews.com/2021/03/10/facebook-invests-in-new-solar-and-storage-project-in-mississippi/>).

90. Facebook further has committed resources through its Facebook for Education program to provide scholarships to Mississippi residents for Mississippi's Base Camp Coding Academy.²⁵ In announcing the effort, Chris Randle, manager of public policy for Facebook, stated "I would be remiss if I didn't say it was Congressman Bennie Thompson who is a champion for education and opportunity for this congressional district who said to technology companies including Facebook, you all need to invest in Mississippi."²⁶

91. In addition to working to bolster its image in Mississippi, Meta closely tracked its Social Media Platforms' performance in the State.

92. For example, Meta monitored the following metrics for usage in Mississippi: the amount of time daily active teens spent on Instagram per day (approximately 40 minutes)²⁷; teen "penetration" in the state (approximately 55%)²⁸; the ratio of teen daily active users versus monthly active users (approximately 0.72)²⁹; teen monthly active user "story participation" rates (approximately 0.74%)³⁰; the amount of "feed media" daily active teens consumed per day on Instagram (approximately 17)³¹; the amount of "stories" that daily active teens consumed per day on Instagram (approximately 30)³²; Instagram market saturation with respect to users under 35

²⁵ Aallyah Wright, *\$5 million 'hub' expands effort to close skills gap, increase tech firm investment in Mississippi*, Mississippi Today (Feb. 3, 2020) (available at <https://mississippitoday.org/2020/02/03/5-million-tech-center-expands-effort-to-close-skills-gap-as-tech-firms-step-up-investment-in-mississippi/>)

²⁶ *Id.*

²⁷ MT-IG-AG-00018939

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

(97%)³³; the percentage of Facebook Android monthly active users on Instagram (41.8%)³⁴; and the increase in monthly active users over a two month time period (7,894; a 1% increase)³⁵.

93. Perhaps most strikingly, Meta's internal metrics show that as of 2020, Instagram had fully saturated the market for Mississippi residents under 35 years of age.³⁶ That same year, Meta internally estimated that 100% of Mississippi teens were monthly active users of Instagram.³⁷

94. In addition to studying usage rates, Meta worked to understand the impact Instagram had on Mississippi consumers, including Mississippi Young Users.

95. And of course, Meta enriched itself by selling advertisements targeted to Mississippi, including advertising campaigns for teen-oriented products and services. According to Meta's public advertising library, Meta regularly sells advertisements specific to Mississippi, and it allows businesses to target specific cities in Mississippi.³⁸ All manner of Mississippi entities—including Ole Miss Football,³⁹ the Mississippi Aquarium,⁴⁰ the Mississippi Museum of Natural Science,⁴¹ the Delta Blues Museum,⁴² and countless others—advertise on Instagram to reach a Mississippi audience and expand their business in Mississippi. On information and belief, Meta profited through its sale of Mississippi-targeted advertising opportunities.

96. In sum, Meta not only makes its Social Media Platforms available in Mississippi. It also—at a minimum—promotes its brand in Mississippi, touts its investments in Mississippi,

³³ MT-IG-AG-00059342.

³⁴ MT-IG-AG-00005337.

³⁵ MT-IG-AG-00007601.

³⁶ MT-IG-AG-00022714.

³⁷ MT-IG-AG-00031572.

³⁸ <https://www.facebook.com/business/help/1501907550136620>

³⁹ [Ole Miss Football](#)

⁴⁰ [Mississippi Aquarium](#)

⁴¹ [Mississippi Museum of Natural Science](#)

⁴² [Delta Blues Museum](#)

tracks its Platforms' performance in Mississippi, studies its Platforms' impact on Mississippi residents, and sells advertisements to Mississippi entities so that they can expand their businesses in Mississippi. And by virtue of Meta's business model, Meta has entered into (at least) hundreds of thousands of contracts with consumers in Mississippi and sold the opportunity to serve ads specifically to those Mississippi consumers.

97. The conduct described herein constitutes trade and commerce within Mississippi.

II. META OPERATES ITS PLATFORMS IN A MANNER THAT IS UNFAIR TO YOUNG USERS.

98. The MCPA prohibits unfair practices, which includes, but is not limited to, misrepresenting that goods and services have "characteristics [or] qualit[ies]" that they do not have. Miss. Code Ann. § 75-24-5(e)(g).

99. Meta has engaged in unfair practices by designing and operating Instagram in a manner that addicts Young Users on a massive scale. These intentional design elements, discussed in further detail below, encourage dangerous and harmful behavior in a manner that has nothing to do with content (first- or third-party) on Defendants' Social Media Platforms. Defendants' unlawful conduct springs from its distinct capacity as the designer of Instagram and Facebook.

A. By Meta's Design, its Platforms Induce Compulsive Use Among Young Users.

100. For generations, companies have marketed products to Young Users – from bikes to Barbies to baseball cards. Unquestionably, products like those appealed to a young audience, and their creators marketed them accordingly and achieved success.

101. Meta could have followed a similar course. It might have offered a version of its platforms that was simply appealing, but not addictive.

102. Instead, Meta designed its platforms to exploit known vulnerabilities in Young Users' neurological development, making its platforms developmentally difficult – and in some cases impossible – for teens to resist.

103. As Meta's founding president, Sean Parker, explained in 2018:

The thought process that went into building these applications, Facebook being the first of them ... was all about: 'How do we consume as much of your time and conscious attention as possible?' That means that **we need to sort of give you a little dopamine hit every once in a while**, because someone liked or commented on a photo or a post or whatever. And that's going to get you to contribute more content and that's going to get you ... more likes and comments. It's a social-validation feedback loop ... exactly the kind of thing that a hacker like myself would come up with, **because you're exploiting a vulnerability in human psychology**. The inventors, creators—me, [Meta founder] Mark [Zuckerberg], [Instagram founder] Kevin Systrom on Instagram, all of these people—**understood this consciously. And we did it anyway.**⁴³

104. As the above comments illustrate, before any of Defendants' Platforms were even released to the public, they were "built" with the goal of addicting users, including Young Users. The process of building, and the manner in which the Platforms were built, thus demonstrates that the harms complained of herein stem from the Platforms, themselves, as opposed to what any third party may subsequently do on the Platforms.

105. On an ongoing basis, Meta pours massive resources into understanding Young Users' cognitive vulnerabilities.

⁴³ Alex Hern, 'Never get high on your own supply' – why social media bosses don't use social media, The Guardian (January 23, 2018) (available at <https://www.theguardian.com/media/2018/jan/23/never-get-high-on-your-own-supply-why-social-media-bosses-dont-use-social-media>). Emphasis in this Complaint is added unless otherwise noted.

106. For example, in the late 2010s, Meta’s Consumer Market Research team created a “*very* deep body of work over the course of years/months” studying teens (emphasis in original). That group did “enormous work and investment” in “teen foundational research.”⁴⁴

107. But that “very deep body of work” was not enough. In 2020 Meta started the “Teen Ecosystem Understand” workstream.⁴⁵ Part of Instagram’s “growth” team, the “Teen Ecosystem Understand” workstream aimed to deepen Meta’s understanding of the teenage audience.⁴⁶ Through this work, Meta sought to refine its Platforms so that it induced more compulsive use by Young Users.

108. On information and belief, the Teen Ecosystem Understand and Consumer Market Research workstreams were two of many Meta initiatives to study Young Users and capture more of their time and attention.

B. Meta Studies “Teen Fundamentals” to Increase Compulsive Use.

109. A May 2020 report by the Teen Ecosystem Understand workstream illustrates the lengths to which Meta studied, understood, and sought to exploit teens’ neurological vulnerabilities.⁴⁷

110. Titled “Teen Fundamentals,” the 97-page internal presentation purports to be a “synthesis of adolescent development concepts, neuroscience as well as nearly 80 studies of our own product research.”⁴⁸ The presentation’s stated goal is to “look...to biological factors that are

⁴⁴ MT-IG-AG-00124625

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ MT-IG-AG-00145496

⁴⁸ *Id.* (pg. 1)

relatively consistent across adolescent development and gain valuable unchanging insights to inform product strategy today.”⁴⁹

111. The first section of the internal presentation, titled “Biology,” contains several images of brains in various stages of development.⁵⁰

112. As part of the “Biology” section, the internal presentation explained that “Unlike the body which functions wholly from day one, the brain essential [sic] spot trains certain areas and functions at a partial capacity before it is wholly developed...The teenage brain is about 80% mature. The remaining 20% rests in the frontal cortex...at this time teens are highly dependent on their temporal lobe where emotions, memory and learning, and the reward system reign supreme.”⁵¹

113. The discussion continues: “teens’ decisions are mainly driven by emotion, the intrigue of novelty and reward... [making] **teens very vulnerable** at the elevated levels they operate on. **Especially in the absence of a mature frontal cortex to help impose limits on the indulgence** in these.”⁵²

114. The next section of the Teen Fundamentals presentation was titled “Behavior.” In that section, Meta noted that “the teenage brain happens to be pretty easy to stimulate.”⁵³

115. Offering an example, the internal presentation observes that “**everytime [sic] one of our teen users finds something unexpected their brains deliver them a dopamine hit.**”⁵⁴

⁴⁹ *Id.* (pg. 6)

⁵⁰ *Id.* (pg. 7)

⁵¹ *Id.* (pg. 10-11)

⁵² *Id.* (pg. 12)

⁵³ *Id.* (pg. 13-14)

⁵⁴ *Id.* (pg. 22)

116. The next slide explains that “**teens are insatiable when it comes to ‘feel good’ dopamine effects.**”⁵⁵

117. And the following slide highlights that “**teen brains’ [sic] are especially ‘plastic’ or keen to learn presenting a unique opportunity that coupled with curiosity can send teens down some interesting rabbit holes....**”⁵⁶

118. Suggesting another way that teen brains are “easy to stimulate,” the internal presentation notes that “a huge driver for teen behavior is the prospect of reward. This is what makes them predisposed to impulse, peer pressure, and potentially harmful risky behavior like drugs, stunts, and pranks...”⁵⁷

119. Building on that theme, elsewhere the presentation observes that “approval and acceptance are huge rewards for teens and interactions are the currency on IG. DMs [direct messages], notifications, comments, follows, likes, etc. encourage teens to continue engaging and keep coming back to the app.”⁵⁸

120. In several places, the presentation confirmed that Instagram was successfully exploiting these vulnerabilities.

121. For example, the internal presentation conceded that:

teen brains are much more sensitive to dopamine, one of the reasons that drug addiction is higher for adolescents and keeps them scrolling and scrolling. And due to the immature brain they have a much harder time stopping even though they want to – our own product foundation research has shown teens are unhappy with the amount of time they spend on our app.⁵⁹

⁵⁵ *Id.* (pg. 23)

⁵⁶ *Id.* (pg. 24)

⁵⁷ *Id.* (pg. 47)

⁵⁸ *Id.* (pg. 54)

⁵⁹ *Id.* (pg. 48)

122. But that was not enough for the members of the Instagram “growth” team that authored the presentation. Instead, the presentation repeatedly asked how Instagram could become even more irresistible to teens, asking the audience to consider:

- “So, now that we know this – what is the effect of teen’s biology on their behavior? And how does this manifest itself in product usage?”⁶⁰
- “How well does IG cater to [teens’ desired] activity? How does it stack up against [its competitors]?”⁶¹
- “Teen’s [sic] insatiable appetite for novelty puts them on a persistent quest to discover new means of stimulation...how can your team give teens somewhere new to go or something new to find from the product you work on?”⁶²

123. In the end, the internal presentation reiterated: “I want to remind you all once more of the core things that make teens tick. New things, feeling good and reward. We are not quite checking all of these boxes...some teens are turning to competitors to supplement for [sic] those needs.”⁶³ It concluded: “we [would] do well to think hard about how we can make IG an app tailored to the teenage mindset.”⁶⁴

124. The Teen Fundamentals presentation was shared with various teams inside Meta, culminating in its presentation to Instagram’s leadership team (including Adam Mosseri) in June 2020.⁶⁵

125. In response to the presentation, Instagram’s leadership requested additional research, which led to a subsequent report titled “Deeping Rewards to Drive More Meaningful Daily Usage.”⁶⁶ As part of that report, Instagram employees conducted user interviews and

⁶⁰ *Id.* (pg. 13)

⁶¹ *Id.* (pg. 24)

⁶² *Id.* (pg. 27)

⁶³ *Id.* (pg. 56-57).

⁶⁴ *Id.* (pg. 58)

⁶⁵ MT-IG-AG-00024188.

⁶⁶ MT-IG-AG-00013682.

“synthesized this data with academic literature to understand how it applies at a psychological level.”⁶⁷ Through this and other related workstreams, Instagram continued to use psychological insights to gain competitive advantages.

126. On information and belief, the Teen Fundamentals presentation is just one illustration of the ongoing process by which Meta studies Young Users’ neurological development to gain competitive advantage.

C. Meta Implements Specific Platform Features to Induce Compulsive Use.

127. Leveraging its understanding of “the things that make teens tick,” Meta exploited Young Users’ diminished capacity for self-control through an array of platform features, such as push notifications, ephemerality, auto-play, and infinite scroll. These features were purposely designed and built to addict Young Users and keep them on the Platforms as long as possible, and their implementation demonstrates Defendants’ failure to design and maintain a reasonably safe product, in violation of any applicable duty of care.

128. Collectively, these and other platform features created and exploited obstacles to Young Users’ free decision-making, causing them to spend more time on Facebook and Instagram than they otherwise would.

1. Rampant Push Notifications

129. Meta causes Young Users to increase their time spent on its platforms by inundating them with notifications. Meta’s mobile applications, by default, pepper users (including Young Users) with frequent alerts or notifications intended to cause users to open the application.

130. Echoing Meta’s “Teen Fundamentals” research, independent academics have observed that these notifications impact the brain in similar ways as narcotic stimulants:

⁶⁷ MT-IG-AG-00145596.

Although not as intense as [sic] hit of cocaine, positive social stimuli will similarly result in a release of dopamine, reinforcing whatever behavior preceded it . . . Every notification, whether it's a text message, a "like" on Instagram, or a Facebook notification, has the potential to be a positive social stimulus and dopamine influx.⁶⁸

131. Preying on that vulnerability, by default Meta notifies Young Users when another user follows them, likes their content, comments on their content, "tags" them, mentions them, sends them a message, or "goes live" (if the young person follows the user).

132. As Meta has known for years, Young Users have a difficult time resisting these notifications.

133. In an internal analysis of "Levers for Teen Growth," a member of the "Instagram Growth Data Science Team" noted that Defendants could "Leverage teens' higher tolerance for notifications to push retention and engagement."⁶⁹

134. In a November 2019 internal presentation entitled "IG Notification Systems Roadshow," Meta's employees acknowledged that some of its users are "overloaded because they are inherently more susceptible to notification dependency."⁷⁰

135. Similarly, in an internal presentation titled "State of US Teens 2020"—authored by the "IG Growth Analytics" team—Meta observed that teens "have longer time spent than adults because they tend to have more sessions per day than adults. This may be because U.S. teens are more sensitive to notifications and have more notification-driven sessions than adults."⁷¹

⁶⁸ <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/>

⁶⁹ MT-IG-AG-00004405 (pg. 9)

⁷⁰ MT-IG-AG-00028901 (pg. 14)

⁷¹ MT-IG-AG-00031572 (pg. 51)

2. Ephemeral Content

136. As Meta knows, Young Users are developmentally wired to fear missing out. Meta induces constant engagement by making certain content ephemeral.

137. Unlike content delivery systems that permit a user to view existing posts on a schedule convenient for the user, ephemeral content is only available on a temporary basis— incentivizing users to engage with the ephemeral content immediately.

138. For example, Instagram’s popular Stories surface displays user-created images, videos, and narratives for twenty-four hours, at most, before that content disappears. Meta introduced a similar feature to the Facebook platform in 2017.

139. Meta launched Facebook Live to all users in April 2016 and Instagram Live in November 2016.⁷²

140. Meta’s Platforms’ Live feature gives users the ability to livestream videos to followers or the public during a specific session, after which the streamed video is typically no longer available.

141. In the case of Live, for instance, a young person’s failure to quickly join the live stream when it begins means that the user will miss out on the chance to view the content entirely. Often, Meta’s platforms send users notifications that an account they follow is going live so that users do not miss out.

142. Likewise, because Stories delete within 24 hours, Young Users must constantly monitor that Surface if they desire to keep up with the accounts they follow.

⁷² Michelle Castillo, Mark Zuckerberg put employees on ‘lockdown’ for two months to launch Facebook Live: Report, CNBC, (Mar. 6, 2017), (available at <http://archive.today/OFqfG>. 83); see also Netimperative, *Instagram Live Video four years on: How has Instagram changed since its introduction?*, (Nov. 25, 2020) (available at <http://archive.today/ii9q5>).

143. Meta could make Live videos and Stories available for viewing days or weeks after they are created, allowing Young Users to take meaningful breaks from its platforms (for instance, during the school week or while on vacation) without missing content. Instead, Meta deploys ephemeral content features because it knows Young Users' fear of missing out on content will keep them glued to its platforms.

144. Meta's internal documents acknowledge that Instagram's ephemeral features drive compulsive Instagram use.

145. For instance, an October 2019 internal presentation entitled "Teen Mental Health Deep Dive" discussed the findings from a survey of over 2,500 teenagers who use Instagram on at least a monthly basis.⁷³

146. That presentation noted that "[y]oung people are acutely aware that Instagram can be bad for their mental health, *yet are compelled to spend time on the app for fear of missing out on cultural and social trends.*"⁷⁴

147. Even though it knew ephemerality was fueling out-of-control Instagram usage, Meta pressed forward. Illustrating the Company's mindset, in 2021 a user experience researcher observed that direct messages on Instagram "were not urgent (especially compared to other apps like Snapchat)" and "consisted mainly of videos and memes from friends which could be watched at [a user's] leisure."⁷⁵ The researcher noted that "we need to develop new products that increase the possibilities for time-sensitive interactions on [Instagram]...."⁷⁶

⁷³ MT-IG-AG-00000029 (pg. 3)

⁷⁴ *Id.* (pg. 25)

⁷⁵ MT-IG-AG-00022634 (pg. 32)

⁷⁶ *Id.*

3. Infinite Scroll, Autoplay, and Reels

148. Meta has also implemented tools that induce perpetual, passive Instagram use.

149. For example, Meta's Platforms present an infinite scroll on several key surfaces. In other words, the platform partially displays additional content at the bottom of the user's screen, such that the user is typically unable to look at a single post in isolation (without seeing the top portion of the next post in their feed).

150. Meta teases this yet-to-be-fully-viewed content indefinitely; as the user scrolls down the feed, new content is automatically loaded and previewed. This design choice makes it difficult for Young Users to disengage because there is no natural end point to the display of new information.

151. Making matters worse, the Platforms do not stop displaying new information when a user has viewed all new posts from their peers.

152. Instead, the Platforms display new social content and suggest relevant information that has yet to be viewed, provoking the Young Users' fear of missing out.

153. Meta also deploys the auto-play feature to keep Young Users on Instagram.

154. Much like infinite scroll, Stories surface automatically and continuously play content, encouraging Young Users to remain on the platform *ad infinitum*.

155. Meta understands that these are powerful tools. Tellingly, when news broke that a competitor was turning off auto-play for users under 18, Meta's internal researcher team registered surprise. One observed that "[t]urning off autoplay for teens seems like a huge move! Imagine if we turned off infinite scroll for teens." The second responded "Yeah, I was thinking the same thing. Autoplay is HUGE."⁷⁷

⁷⁷ MT-IG-AG-00058023

156. Meta’s popular Reels surface has these same characteristics. An internal strategy presentation shows that Reels is “a TikTok competitor for short and entertaining videos” and one of “three big bets” that “Instagram focused on...to bring value to teens” in 2020.⁷⁸

157. Videos on Reels automatically and perpetually play as the user swipes the screen up to the next video. The short-form nature of Reels (between 15 to 90 seconds, as of April 2023) makes it difficult for Young Users to close the app. Other aspects of Reels—including the placement of the like, comment, save, and share buttons on top of the video—reduce or prevent interruption and keep the user constantly viewing the video.

158. Meta’s development of these engagement features on its platforms disregarded its own internal research about how design choices cause compulsive use. In June 2018, an internal presentation called “Facebook ‘Addiction,’” including “mindless” consumption of a feed and the fact that “it is easy to keep scrolling and go on frequently” make it “difficult to limit one’s use.”⁷⁹

159. Internally, Meta employees recognized that Reels’ design was harmful to Young Users. As one employee observed in September 2020, “Reels seems to be everything they denounce in the stupid documentary [Netflix’s Social Dilemma, which raised alarms about teens’ time spent on social media], and everything we know from our research: passive consumption of an endless feed, without any connection to the content creator. Yay.” A Meta mental health researcher responded, “Exactly. Ugh.”⁸⁰

160. On information and belief, the above-described Instagram features are but a small sample of the tools Meta has deployed in its quest to induce Young Users to spend more time on Instagram than they otherwise would.

⁷⁸ MT-IG-AG-00031572 (pg. 29)

⁷⁹ MT-IG-AG-00312902 (p. 35)

⁸⁰ MT-IG-AG-00132387

4. The Challenged Platform Features Have No Relation to Traditional Publishing Activities, As the Content they Curate Is Separate and Apart from the Harm they Cause.

161. Notably, the above-identified features—push notifications; ephemeral content; and endless scroll, autoplay, and reels—are not tethered to any specific third-party content. Indeed, they are content agnostic. These features create the harm of addiction which is separate and apart from other harms caused by the platform. By challenging these addicting design features, the State does not challenge or seek to curtail the publishing of any specific type of content. These features cause harm to young users that is separate from the content that is shown.

162. Instead, and regardless of the substance of any content these features may or may not utilize, the purpose of the challenged design features is to extract additional time and attention from young users whose developing brains are not equipped to resist those manipulative tactics. These specific harms—and the liability attached thereto—do not turn on any specific information that may or may not be provided by any user of the Platforms.

D. Meta Knows That its Platforms Induce Widespread Compulsive Use Among Young Users.

163. Because of Meta’s design choices, its platforms have already hooked a generation of Young Users.

164. Meta knew. It knew that Young Users used Facebook and Instagram at alarming rates. It knew that Young Users wanted to reduce their time on Facebook and Instagram. It knew that desire was overpowered by both platforms’ engagement-inducing features. It knew that compulsive use had detrimental effects on Young Users’ mental health, sleep, and relationships. However, since Young Users’ compulsive use benefited Meta’s bottom line, Meta did not take meaningful steps to rescue them from this emerging crisis.

165. For example, in a February 2019 internal presentation⁸¹ titled “Instagram Teen Well-Being Study: US Topline Findings,” Meta observed that “App Addiction is Common on IG.” The presentation noted that 23% of teenage monthly active users find that they often feel like they “waste too much time on” Instagram.⁸²

166. In September 2019, Meta commissioned a third-party study on Teen Mental Health. That study’s first “Topline Headline” was that “Instagram is an inevitable and unavoidable component of teens’ lives. Teens can’t switch off from Instagram even if they want to.”⁸³

167. Another “Topline Headline” was that “Teens talk of Instagram in terms of an ‘addicts’ narrative’ spending too much time indulging in a compulsive behavior that they know is negative but feel powerless to resist.”⁸⁴

168. A later slide observed that “Teens are hooked despite how it makes them feel...Instagram is addictive, and time-spend on platform is having a negative impact on mental health.”⁸⁵

169. The Teen Mental Health report also found that teens “know they stay up later than they should and miss out on sleep to stay plugged in” to Instagram.⁸⁶

170. Elsewhere, the report noted that “Young Users are acutely aware that Instagram is bad for their mental health yet are compelled to spend time on the app for fear of missing out on cultural and social trends.”⁸⁷

⁸¹ Meta employees regularly convey information to one another through slideshows on Microsoft PowerPoint or similar products.

⁸² MT-IG-AG-00103082 (pg. 37)

⁸³ MT-IG-AG-00103653 (pg. 7)

⁸⁴ *Id.*

⁸⁵ *Id.* (pg. 15)

⁸⁶ *Id.*

⁸⁷ *Id.* (pg. 29)

171. Relatedly, in an October 2019 discussion regarding mental health research, an employee noted that:

teens told us that they don't like the amount of time they spend on the app...they often feel 'addicted' and know that what they're seeing is bad for their mental health but feel unable to stop themselves. This makes them not feel like they get a break or can't switch off social media. In the survey, about 30% (and even larger proportions of those who are unsatisfied with their lives) said that the amount of time they spend on social media makes them feel worse.⁸⁸

172. Along the same lines, in March 2020, one Instagram employee asked if there were “any recent studies where we explicitly talk about time spent tools and why teens want them.”⁸⁹ In response, a different employee confirmed that “[t]he feedback, essentially, is that (1) teens feel addicted to IG and feel a pressure to be present, (2) like addicts, they feel that they are unable to stop themselves from being on IG, and (3) the tools we currently have aren't effective at limiting their time on the ap [sic].”⁹⁰

173. But despite that survey feedback, Meta made sure not to speak about the concept of “addiction” publicly. In that same March 2020 exchange, the two employees discussed a draft public statement regarding “efforts to combat social media addiction.”⁹¹

174. The first asked: “Do we want to call it addiction? Maybe not.” The second clarified: “(this is internal only).” The first employee responded: “Internal only makes it better. I'm just a little cautious about calling it addiction.” The second responded: “Totally agree, we would never want to say that!”⁹²

⁸⁸ MT-IG-AG-00024085

⁸⁹ MT-IG-AG-00171389.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

175. Employees continued to grapple with this issue in September 2020, when Netflix released *The Social Dilemma*, which accused Meta of addicting Young Users to Instagram.

176. That thesis rang true among Meta employees. In one exchange among several Instagram employees, Instagram's Director of Data Science stated "[by the way] there is a new Netflix [documentary] basically saying we're creating a world of addicts..." In response, a second employee stated that the documentary "makes me feel like tech plays to humans' inability to have self-control lol."⁹³

177. In response, Instagram's Director of Data Science stated, "Yeh that's exactly what the [documentary] says. I think its true [to be honest] ...I do worry what it does to Young Users who are still developing their brains and social skills, as well as being more susceptible to mean comments or lack of friends/feedback."⁹⁴

178. A third employee asked if Meta was "creating addicts or facilitating them.... giving existing addicts a really accessible outlet?" The second employee clarified, "a really accessible outlet that optimizes for time spent...[and] keeps people coming back even when it stops being good for them."⁹⁵

179. Instagram's Director of Data Sciences responded, "without the right stimulus, someone might never become an addict. So it's a tricky one. It's like, you'll never become a gambling addict if you don't visit vegas : P "⁹⁶

⁹³ MT-IG-AG-00013316

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

180. That same day, Instagram’s Director of Data Science analyzed the scope of the problem, creating charts titled “Number of US Humans who spend a lot of time on IG in a day,” and “US Humans that spend a ton of time on IG in a Week.”

181. The daily chart showed that in the United States 478,116 teens spend 3-4 hours per day on Instagram; 237,214 spend 4-5 hours; and 306,863 spend five or more hours.⁹⁷ The weekly chart showed that in the United States 1,021,961 teens spend 14-21 hours; 429,288 spend 21-28 hours; and 407,354 spend 28 or more hours per week on Instagram.⁹⁸

182. Meta knew that this level of usage was the byproduct of its business model and its design choices. As a Meta Vice President of Product told Instagram’s leadership in February 2021, “problematic use⁹⁹...[will] require more fundamental changes to our goals, what type of work they incentive [sic], and therefore how core mechanics work (feed design, ranking, sharing, notif[ications]).”¹⁰⁰

183. Internally, Meta understood the specific ways that compulsive use manifested on Instagram.

184. For example, a November 2021 analysis titled “Well-being: Problematic Use” showed that “more reliable proxies for identifying problematic use” included: “‘passive’ consumption, frequent low-engagement sessions, disproportionate night-time usage, repetitive app checking, and receiving and responding to more push notifications.”¹⁰¹

⁹⁷ MT-IG-AG-00013393

⁹⁸ MT-IG-AG-00013281

⁹⁹ “Problematic Use” is a euphemism that Meta uses internally to describe excessive or compulsive social media use.

¹⁰⁰ MT-IG-AG-00176694

¹⁰¹ MT-IG-AG-00210347

185. That same analysis also acknowledged that “problematic use” was “more common among teens and people in their 20s.” It explained: “this is consistent with young people having problems with self-regulation.”¹⁰²

E. Meta Harms Young Users by Inducing Compulsive Use.

186. Defendants have substantially injured Young Users by designing their Platforms to induce compulsive and excessive use, which interferes with important developmental processes and behaviors.

187. These injuries include Young Users’ lack of sleep and related health outcomes, diminished in-person socialization skills, reduced attention, increased hyperactivity, self-control challenges and interruption of various brain development processes.

1. Sleep

188. Meta knew that Instagram’s core mechanics were interfering with a critical part of Young Users’ development—sleep.

189. For example, in an April 2021 analysis, Meta observed that “peak” hours for messaging were “in the late evenings,” with the highest rate of “sessions with message sends” occurring between 9-11pm.¹⁰³

190. That same analysis showed that on weekdays, U.S. teens spent the most time on Instagram between 9-11pm.¹⁰⁴

¹⁰² *Id.*

¹⁰³ MT-IG-AG-00017116

¹⁰⁴ MT-IG-AG-00017107

191. After reviewing that information, a Meta data scientist commented, “Honestly the only insight I see in these charts is that teens are really into using IG at 11pm when they should probably be sleeping : (”¹⁰⁵

2. Mental Health Harms

192. Defendants have also caused Young Users to experience mental health harms, such as increased levels of depression and anxiety.

193. In addition, Defendants have caused Young Users to have diminished social capacity and other developmental skills by virtue of the “opportunity cost” associated with devoting significant time to social media, rather than partaking in other developmentally important, in-person life experiences.

194. The United States Surgeon General’s May 2023 Advisory, titled “Social Media and Youth Mental Health” (the “Advisory”), describes some of the harms caused by Defendants.¹⁰⁶ As the Advisory explains, “[a] Surgeon General’s advisory is a public statement that calls the American people’s attention to an urgent public health issue Advisories are reserved for significant public health challenges that require the nation’s immediate awareness and action.”¹⁰⁷ According to the Surgeon General, Young Users’ social media use is one such significant public health challenge.

¹⁰⁵ *Id.* (pg. 7)

¹⁰⁶ U.S. Dep’t of Health & Hum. Servs., Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory 4 (2023) (available at <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>).

¹⁰⁷ *Id.*

195. As the Advisory explains, “[e]xcessive and problematic social media use, such as compulsive or uncontrollable use, has been linked to sleep problems, attention problems, and feelings of exclusion among adolescents.”¹⁰⁸

196. The Advisory also identifies “changes in brain structure,” “altered neurological development,” “depressive symptoms, suicidal thoughts, and behaviors,” “attention deficit/hyperactivity disorder (ADHD,)” and “depression, anxiety and neuroticism,” as additional harms to Young Users associated with compulsive social media use.¹⁰⁹

197. Instagram and Facebook employ Recommendation Algorithms that curate content from the main feeds and other parts of the platforms.

198. The Recommendation Algorithms use data points, or “signals,” harvested from individual users to choose and/or arrange each new piece of content to display to a user. Such signals include, but are not limited to, overt actions like “liking” a post or following a page, as well as such unconscious actions such as lingering on—but not otherwise engaging with—certain content, or visiting but not following another user’s page.

199. Meta’s Recommendation Algorithms display content to young users through a sequencing method referred to by psychologists as “variable reinforcement schedules” or “variable reward schedules.”

200. As Dr. Mark D. Griffiths, Distinguished Professor of Behavioral Addiction at Nottingham Trent University, explains:

The rewards [experienced on social media platforms]—which may be physiological, psychological and/or social—can be infrequent but even the anticipation of one of these rewards can be

¹⁰⁸ *Id.*

¹⁰⁹ To be clear, this Complaint is focused on harms arising out of compulsive or “problematic” platform use, not harms caused by exposure to any particular pieces or categories of content on the Social Media Platforms.

psychologically and/or physiologically pleasing. The rewards are what psychologists refer to as variable reinforcement schedules and is one of the main reasons why social media users repeatedly check their screens. Social media sites are ‘chock-ablock’ with unpredictable rewards. Habitual social media users never know if their next message or notification will be the one that makes them feel really good. In short, random rewards keep individuals responding for longer and has been found in other activities such as the playing of slot machines and video games.¹¹⁰

201. In internal discussions, Meta employees discuss the fact that Meta’s Recommendation Algorithms tend to pull young users into “negative spirals” and “feedback loops” whereby the algorithmic sequencing of content has detrimental effects on the well-being of young users. For example, in one internal communication discussing potential “[c]ontent policies” for the unlaunched “Instagram Youth” platform, Meta employees expressed concern with the “well-being challenge” of “content on IG triggering negative emotions among tweens and impacting their mental well-being (and) our ranking algorithms taking into negative spirals & feedback loops that are hard to escape.”¹¹¹

202. By algorithmically serving content to young users according to variable reward schedules, Meta manipulates dopamine releases in its young users, inducing them to engage repeatedly with its Platforms—much like a gambler at a slot machine.

203. Internal Meta documents reveal Meta knew its Recommendation Algorithms trigger intermittent dopamine releases in young users, whose developing brains are especially susceptible to such tactics.

¹¹⁰ Mark D. Griffiths, *Adolescent social networking: How do social media operators facilitate habitual use?*, Education and Health Journal Vol. 36 No. 3, 1, 2, (2018), <http://archive.today/cPgJ1>.

¹¹¹ MT-IG-AG-00090291

204. For example, a 2020 internal Meta presentation describes Meta’s efforts to study adolescent biology and neuroscience in order to “gain valuable unchanging insights to inform product strategy today,” noting that “teens’ decisions and behavior are mainly driven by emotion, the intrigue of novelty and reward.” The document continues, “teens are insatiable when it comes to ‘feel good’ dopamine effects” and “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.”¹¹²

205. Two years earlier, in June 2018, an internal presentation recognized that “[i]t may be a problem if Facebook seems rewarding [to users] based on the principle of unpredictability, while the inherent value of the reward is lacking.”¹¹³ This includes “[n]otifications with little or no relevance, and that come at unpredictable times,” “[p]rominent novel content that creates unwanted distractions,” “[n]ews feed stories with seemingly ‘random’ content and unpredictable order,” and “[o]ther use of unpredictable rewards, such as delays to load.”¹¹⁴ The same document cautioned that dopamine “rewards available through Facebook may contribute to problems for some people.”¹¹⁵

III. META ENGAGES IN DECEPTIVE CONDUCT BY OMITTING AND MISREPRESENTING MATERIAL FACTS ABOUT ITS PLATFORMS.

206. Under the MCPA, a business engages in deceptive conduct when its acts, statements, or omissions have a capacity or tendency to deceive whether that is intentional or not.¹¹⁶

¹¹² MT-IG-AG-00231711 (p. 22)

¹¹³ MT-IG-AG-00312902 (p. 23)

¹¹⁴ *Id.*

¹¹⁵ *Id.* at 22

¹¹⁶ *Watson Laboratories, Inc. v. State*, 241 So.3d 573 (Miss. 2018).

207. For years, Meta has led reasonable consumers, parents, and guardians to believe its Platforms are a safer and less harmful platform than they are. Meta deceived consumers, parents, and guardians by failing to disclose that Instagram and Facebook are, on balance, harmful to consumers (and especially damaging to Young Users, particularly young women), by concealing information about some of its most popular platform features, by promoting misleading metrics about platform safety, and by touting inaccurate and ineffective “well-being” initiatives, among other methods.

A. Meta Did Not Disclose Its Knowledge That Its Platforms Harm Users, Particularly Young Women.

208. Meta has long known that their platforms are likely harming a significant portion of its user-base.

209. For instance, in September and October of 2018, Meta surveyed and interviewed active Instagram users to gauge the association between Instagram and “negative social comparison.” In Meta researchers’ own words, the experiment found that “*at least some of this association is causal.*”¹¹⁷

210. Knowing that “[n]egative social comparison is associated with worsened well-being measures across the board,”¹¹⁸ Meta found that for Instagram users, “there is a relationship between tenure and the length of negative [social comparison].”¹¹⁹ For instance, among Instagram users who have been on the platform for 4.4 years, Meta found that “33% of people hav[e] been feeling worse about themselves on [Instagram] for ‘several months to a year.’”¹²⁰

¹¹⁷ MT-IG-AG-00114075 (pg. 42)

¹¹⁸ *Id.* (pg. 41)

¹¹⁹ *Id.* (pg. 46)

¹²⁰ *Id.*

211. That study also found that Instagram drives negative social comparison for teen girls and young women especially. It observed that, in comparison to men who are at least 25 years old, women are five times more likely and teen girls are eight times more likely to engage in negative social comparison due to Instagram use.¹²¹

212. Meta continued sharpening its internal understanding of the harms experienced by Instagram users over subsequent years. For instance, Meta knew that Instagram caused or contributed to:

Addiction. Meta research from August and September 2019 found that “Instagram is addictive, and time-spend on [the] platform is having a negative impact on mental health.” The research observed that teens “have an addicts’ narrative about Instagram use . . . they wish they could spend less time caring about it, but they can’t help themselves.” The research concluded, “[o]n an everyday level, Instagram is a recipe for low level mental anxiety that unchecked can ladder up to something more serious.”¹²²

Body Dissatisfaction. On March 13, 2020, Meta internally distributed findings from a Meta-sponsored literature review which found that “[s]ubstantial evidence suggests that experiences on Instagram or Facebook make body dissatisfaction worse,” and that users “perceived body image as a problem that Instagram worsened the most, more than when they end a relationship or lose a job.”¹²³

Negative Social Comparison. In March and April of 2020, Meta conducted a survey of 100,000 individuals in the United States and other countries to better understand “social

¹²¹ *Id.* (pg. 24)

¹²² MT-IG-AG-00103653 (pg. 15; 57)

¹²³ MT-IG-AG-00056979 (pg. 1-2)

comparison on Instagram.” From this survey, Meta found that “[a]bout 1 out of 10 people experience negative social comparison on Instagram often or always.”¹²⁴

Mental Health Harms. On November 13, 2019, Meta internally published the results of a 22,000-person survey of Instagram users from the United States and several other countries. The survey found that “at least 1 in 2 [Instagram] users had experienced at least one mental health related issue in the last 30 days.”¹²⁵

213. Meta appreciated that Instagram was particularly devastating for young women.

Meta’s research showed that:

- “Nearly half of teen girls (48%) often or always compare their appearances on [Instagram], and one-third (34%) feel intense pressure to look perfect.”¹²⁶
- “Approximately 70% of teen girls may see enough “sensitive content”—*i.e.*, content that is associated with negative appearance comparison—that they are likely to experience “appearance comparison at least half the time” they are on Instagram.”¹²⁷
- The topics that elicit appearance comparison comprise 1/4 of the content people see on Instagram, and 1/3 for teen girls.”¹²⁸
- “For every piece of friend content a teen girl sees, she sees 5x as many pieces of content from top accounts,” *i.e.* the accounts that most strongly drive appearance comparison.”¹²⁹

¹²⁴ MT-IG-AG-00002779 (pg. 6)

¹²⁵ MT-IG-AG-00056857 (pg. 5)

¹²⁶ MT-IG-AG-00002821.

¹²⁷ MT-IG-AG-00056845.

¹²⁸ MT-IG-AG-00057040

¹²⁹ *Id.*

- Roughly 1 in 5 pieces of content young girls see on Instagram is focused on makeup, cosmetics, skin care and related topics.¹³⁰
- 68% of teen girls experience negative social comparison, and this issue is “not an influencer problem, it’s an Instagram problem.”¹³¹

214. Meta also knew that the Explore surface—through which Instagram recommends content to users from accounts that they do not follow—exacerbated some of the harms identified by the above research.

215. On July 22, 2021, Meta internally shared research indicating that Instagram’s Explore surface tends to increase users’ “exposure to [negative appearance comparison-provoking] content beyond the preferences that people have indicated by the choice of accounts they follow.” Consequently, “17% of people see substantially more (at least 20 percentage points) [negative appearance comparison-provoking] content in Explore than in Feed. It’s worse for women and teen girls.”¹³²

216. In other words, Meta knew that Instagram’s algorithms were feeding users more harmful content than the users would have otherwise received if content visibility was only driven by preferences expressed by the users.

217. In mid-2021, Meta undertook an extensive survey of users to “develop a holistic, consistent picture of user bad experiences on Instagram that allows [Meta] to track [its] progress each half [year].”¹³³

¹³⁰ MT-IG-AG-00056845.

¹³¹ MT-IG-AG-00056865

¹³² MT-IG-AG-00056955

¹³³ MT-IG-AG-00232203 (pg. 3)

218. Referred to internally as BEEF (“Bad Experiences and Encounters Framework”), the survey measured users’ exposure to certain categories of harmful content on Instagram over a seven-day period and leveraged a subcategory of Instagram users¹³⁴ as a control group to “determine causality.”¹³⁵

219. As discussed in more detail below, the BEEF survey showed Meta that a significant number of Instagram users regularly experienced negative social comparison-promoting content, self-harm-promoting content, bullying content, unwanted advances, and a collection of other harmful encounters on the platform.¹³⁶

220. Relatedly, on August 27, 2021, an Instagram spokesperson shared an exchange with Head of Instagram Adam Mosseri about a forthcoming Wall Street Journal article “that essentially argues that [Instagram’s] design is inherently bad for teenage girls (leads to [suicide and self-harm], poor mental health, dysphoria).”¹³⁷ The spokesperson observed that the “arguments [are] based on [Meta’s] own research so [they] are difficult to rebut” and noted that the article could expose “that [Meta’s] own research confirmed what everyone has long suspected.”¹³⁸

221. Upon information and belief, the above-referenced studies and surveys are just the tip of the iceberg, and Meta continues to study and deepen its knowledge that Instagram is harmful for many users (as it has done for years).

¹³⁴ On information and belief, certain subsets of Facebook and Instagram users are randomly designated as “minimum integrity holdout” and “well-being holdout” accounts—which are afforded even fewer protections from harmful content than most Meta user accounts—for their utility as research control groups. Meta’s failure to publicly disclose this fact represents a material omission, as Meta’s failure to disclose the information likely misled consumers and consequently influenced consumers’ decision-making about their use of Meta’s platforms.

¹³⁵ MT-IG-AG-00232203 (pg. 3)

¹³⁶ *Id.* (pg. 21)

¹³⁷ MT-IG-AG-00205989

¹³⁸ *Id.*

222. Meta has not publicly released the vast majority of its internal research showing the harm caused by Instagram. Nor has it warned consumers of the important insights Meta learned through those studies.

1. Meta’s Leadership Refused to Remediate Known Harms.

223. Although Meta understood that Instagram causes significant harm to users, Meta executives repeatedly declined to fund proposed well-being initiatives designed to reduce those harms.

224. As early as March 2019, Meta employees were aware that a critical mass of “internal and external” research showed that Instagram harms users. Based on that knowledge, employees raised this issue to Meta’s senior decision-makers.

225. On or around March 8, 2019, Meta researchers sent Sheryl Sandberg a report warning that Meta was harmful for users, on balance. The report stated, “there is increasing scientific evidence (particularly in the US) that the average net effect of [Meta] on people’s well-being is slightly negative.”¹³⁹

226. The report identified “[t]hree negative drivers that occur frequently on Meta’s platforms and impact people’s well-being.” Those drivers were: (1) problematic use (Meta’s euphemism for compulsive use); (2) social comparison; and (3) loneliness.¹⁴⁰

227. The report observed that 58.1% of users experienced varying degrees of problematic use; 45% of users experienced varying degrees of social comparison; and 43% of users experienced varying degrees of loneliness from using Meta’s platforms.¹⁴¹

¹³⁹ MT-IG-AG-00157899

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

228. The report warned Sandberg that Meta needed new product investment to remedy these harms. It stated: “With no additional investment, we are on a trajectory to deliver exploratory findings (and NO product changes).” “We recommend investing in both the product effort and the [research] effort.”¹⁴²

229. On April 8, 2019, the team of Meta researchers escalated their warning by emailing Zuckerberg, Sandberg, and Mosseri. The researchers’ reiterated the warning they had first shared with Sandberg: “there is increasing scientific evidence (particularly in the US) that the average net effect of [Meta] on people’s well-being is slightly negative.”¹⁴³

230. Like the report that Sandberg received individually, the email to Zuckerberg, Mosseri, and Sandberg implored that “there is a strong need to increase our investment in these areas to make a meaningful shift over the next year and beyond.”

231. The email reiterated: “Without additional investment, we are on a trajectory to deliver exploratory findings and continue our research at a slower pace (and NO product changes).”

232. Several days later, a member of Meta’s finance team—speaking on behalf of Zuckerberg and Sandberg—told the research team that Meta would not fund the recommended investments at the organizational level.¹⁴⁴

233. Later that same day, Mosseri clarified that the recommended research would not be funded at the Instagram-level either. He explained, “[u]nfortunately I don’t see us funding this from Instagram any time soon.”¹⁴⁵

¹⁴² *Id.*

¹⁴³ MT-IG-AG-00158988

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

234. In other words, Meta’s executive decision-makers understood that Instagram was, on net, negatively impacting its users. But rather than disclosing that fact or investing in solutions to the problem, Meta continued to prioritize Company profits at the users’ expense.

235. Later in 2019, Fidji Simo—then Head of Facebook—told Mosseri that, to improve well-being on Meta’s platforms, “we need to increase investment.”¹⁴⁶

236. Mosseri replied, “100% agree. My current take is the biggest problem is: Well-being is the existential question we face, and we lack a . . . roadmap of work that demonstrates we care about well-being.”¹⁴⁷

237. Despite Mosseri’s purported concerns, Meta’s leadership refused to fund well-being product investments for years.

238. For example, in August 2021, Nick Clegg—Meta’s President of Global Affairs—emailed Zuckerberg recommending “additional investment to strengthen our position on wellbeing across the company.”¹⁴⁸

239. Clegg endorsed this investment because politicians worldwide were raising concerns “about the impact of [Meta’s] products on Young Users’ mental health.” Clegg concluded that while Meta had a “strong program of research,” it “need[ed] to do more and we are being held back by a lack of investment on the product side which means that we’re not able to make changes and innovations at the pace required.”¹⁴⁹

¹⁴⁶ MT-IG-AG-00163662

¹⁴⁷ *Id.*

¹⁴⁸ MT-IG-AG-00210674. Two years earlier, Nick Clegg wrote to Mark Zuckerberg, Sheryl Sandberg, Adam Mosseri, and Chris Cox: “our present policies and public stance on teenage self harm and suicide” looks “convoluted and evasive.” MT-IG-AG-00193053.

¹⁴⁹ MT-IG-AG-00210674. Following significant media coverage of Meta platforms’ harms to Young Users, Meta’s VP of Research emailed Clegg on September 20, 2021, to share, “I feel even more convinced that we need to make more progress on well-being on the product side.” MT-IG-AG-00208523.

240. Zuckerberg declined to respond to Clegg’s request for months—worrying some among Meta’s leadership.

241. For instance, in an October 2021 exchange about Clegg’s well-being recommendation (to which Zuckerberg still had not responded), Mosseri complained, “I’m really worried about this . . . we’ve been talking about this for a long time but have made little progress.”¹⁵⁰

242. Meta’s VP of Product agreed with Mosseri, observing that Meta’s “biggest gap is getting [Meta’s] research into product roadmaps. We got 0 new well-being funding for 2022.”¹⁵¹

243. Meta’s VP of Product reiterated the same with other Meta employees: “We’ve made a lot of progress on research . . . We’ve not made a lot of progress on getting the research into product.”¹⁵²

244. In November 2021, Clegg sent an email following up on his August 2021 correspondence to which Zuckerberg had failed to respond.¹⁵³ In the follow-up email, Clegg underscored that product investment is “important to ensure we have the product roadmaps necessary **to stand behind our external narrative** of well-being on our apps.”¹⁵⁴

245. In other words, as Clegg recognized, there was a significant gap between the Company’s external narrative that it was committed to well-being initiatives and its actual financial commitment to that issue.

246. Ultimately, Zuckerberg was responsible for that misrepresentation, as he acts as the ultimate decision-maker for all major corporate choices. As Adam Mosseri and a fellow Meta

¹⁵⁰ MT-IG-AG-00188864

¹⁵¹ *Id.*

¹⁵² MT-IG-AG-00189014

¹⁵³ MT-IG-AG-00210674

¹⁵⁴ *Id.*

executive complained in a 2016 internal message, Zuckerberg is “the only non-middle-manager” at Meta.¹⁵⁵

247. In that same exchange, a third executive agreed, observing that while “most companies are ‘feudal’ in their structure—nesting minor fiefdoms,” Meta is not. Instead, Meta is “an absolute dictatorship” run by Zuckerberg.¹⁵⁶

2. Meta Limited Internal Access to Documents Showing Harms.

248. As described above, Meta never publicly disclosed: (1) the internal research findings showing the harm Instagram caused its users; or (2) the Company decision-makers’ failure to invest in recommended solutions to known problems.

249. To the contrary, Meta took affirmative steps to hide its internal research from the public—including from Mississippi consumers.

250. As Meta’s products, including Instagram, faced growing scrutiny over time, Meta locked down access to internal research findings.

251. For instance, on August 27, 2021—shortly after Meta learned of the Wall Street Journal’s forthcoming article exposing a small fraction of Meta’s well-being research—one Instagram research manager noted that the Company was “locking down access to some of the extra sensitive pieces of work.”¹⁵⁷

252. The same manager subsequently instructed a research colleague to “make sure that any of our shareable deliverables or insights docs that you own on the mental well-being space are locked down.”¹⁵⁸

¹⁵⁵ MT-IG-AG-00219284 (pg. 28)

¹⁵⁶ *Id.*

¹⁵⁷ MT-IG-AG-00185325

¹⁵⁸ *Id.*

253. Similarly, on October 20, 2021, a senior Meta well-being researcher complained about a new policy requiring Meta's Communications team to review research findings even before they could be shared *internally*.¹⁵⁹

254. A colleague sympathized with the senior researcher's grievance and observed that if internal research "needs to be sanitized to share with [internal] people that need to know (i.e., the people in focused, closed groups) then we've got a big problem."¹⁶⁰

255. The colleague continued, bemoaning the way a Communications team employee had sanitized their research findings before internal circulation. The colleague explained that the communications team "took issue with language describing a finding as applying to a general population instead of just survey responders . . . The discussion that followed left [a second colleague] feeling that [Meta] wouldn't want us to do that so that [Meta] could more easily dismiss inconvenient findings. This is a huge moral hazard, in my opinion."¹⁶¹

256. True to form, Meta also restricted access to the BEEF survey results in the latter half of 2021. As one Meta employee observed on September 30, 2021, "[t]he results of BEEF . . . are only being shared in private and select groups, to avoid leaks. Sad new world." According to the same employee, Meta narrowed BEEF survey result access to a "66-person secret group."¹⁶²

257. By 2021, one PhD-level researcher compared Meta's messaging strategy to that of Big Tobacco. After Meta tried to downplay Instagram's role in causing mental health harms in the wake of the Wall Street Journal's exposé, the researcher emailed colleagues explaining that:

Pre-[Meta] I spent a lot of time working on public health and environmental issues, and this sounds eerily similar to what tobacco companies and climate change deniers say. Uncertainty/doubt is a

¹⁵⁹ MT-IG-AG-00062055

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² MT-IG-AG-00144350

key component of the scientific method, but it can also be weaponized to push back on critics (e.g., ‘ . . . but this one scientist thinks cigarettes don’t cause cancer,’ ‘we need more research to know for sure whether climate change is man made,’ ‘evolution is just a theory,’ etc etc) . . . [W]hen we use language like this it puts us in very bad company.¹⁶³

258. On information and belief, Meta’s internal culture of secrecy was designed to keep consumers, parents, guardians, and policy makers in the dark about the harm Meta was causing its users, including Instagram users.

3. Meta Did Not Disclose Its Knowledge That Instagram’s Cosmetic Surgery Effect Selfie Filters Were Especially Harmful to Young Users.

259. Meta’s decision-making behind Instagram’s cosmetic selfie filters illustrates the Company’s willingness to implement harmful platform features without disclosing known risks to the public.

260. Upon information and belief, by 2017, Instagram was losing users and content creators to rival social media platforms, such as Snapchat.

261. Meta staff concluded that “face filters are viewed as the key differentiator to keep [content creators] using Snapchat—in particular very large talent is eager for a simple beauty filter to help them be more comfortable to put their face on camera.”¹⁶⁴

262. Shortly thereafter, Meta worked to integrate augmented reality filter effects into Instagram.¹⁶⁵

263. For example, an internal Meta presentation dated February 27, 2018 describes the “strategic goal” of integrating augmented reality filter effects into the Instagram platform “to see

¹⁶³ MT-IG-AG-00143575

¹⁶⁴ MT-IG-AG-00149666

¹⁶⁵ MT-IG-AG-00151652

if [augmented reality] effects can get strong product market fit . . . by tapping into [Instagram’s] teens community and cultural moments.”¹⁶⁶

264. That “strategic goal” was intended to benefit “Instagram, Teens, and Partners” in specific ways. For Instagram’s part, integrating augmented reality filter effects would “[i]ncrease [c]amera [e]ngagement in order to drive more sharing” and “[b]uild a daily behavior by giving [t]eens reasons to check the camera everyday [sic] though scalable new content.”¹⁶⁷

265. In other words, these camera filters would increase Instagram engagement—and consequently, Meta’s profits.

266. But by 2018, some Meta staff were wary that augmented reality filters may harm users—particularly considering a “growing body of research that social media may be driving significant increases in rates of anxiety and depression, esp[ecially] among young women.”¹⁶⁸

267. As one employee explained, “[t]his is a hard issue to navigate because I know there is a lot of competitive pressure and a lot of market demand for filters that go much more directly into the beautification space. And if we test any of these things, they will undoubtedly perform well. But just because people like and want something in the short term doesn’t mean it’s healthy for them.”¹⁶⁹

268. Consequently, in October 2018, Meta commissioned “a researcher and licensed psychologist at Duke who specializes in eating disorders and body image issues among adolescents and adults” to undertake a literature review titled, “Consequences and Implications of Selfie Manipulation on Well-Being.”¹⁷⁰

¹⁶⁶ *Id.* (pg. 3)

¹⁶⁷ *Id.* (pg. 20)

¹⁶⁸ MT-IG-AG-00213785

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

269. Meta’s commissioned literature review found that:

An analysis of the costs and benefits of editing selfies and viewing manipulated photos indicate the risks far outweigh the benefits. Research to date suggests these behaviors exacerbate risk and maintenance of several mental health concerns including body dissatisfaction, eating disorders and body dysmorphic disorder . . . Data also indicates that editing selfies may have a paradoxical effect with regards to social connection. Rather than increasing acceptance, editing photos may actually increase social rejection . . . Rather than bringing people together, selfie manipulation tools risk propagating unrealistic standards of beauty that are cross-culturally harmful and divide more than they unite.¹⁷¹

270. Nevertheless, Meta’s decision-makers implemented cosmetic selfie filters on Instagram without publicly disclosing these known risks.

271. In mid-October 2019, Meta received harsh public rebuke from “press and mental health experts” who observed that certain selfie filters available on the Instagram platform promoted plastic surgery, raising serious mental health concerns.

272. Internally, Meta employees referred to this as a “PR fire” that included “negative press coverage, questions from regulators, and growing concern from experts.”¹⁷²

273. Based on that public pressure—and roughly a year after receiving unequivocal warnings from the literature review that it commissioned—Meta installed a set of *interim* policies banning augmented reality filters that explicitly promote cosmetic plastic surgery.

274. After installing these interim policies, Meta devoted significant thought to its long-term position regarding these augmented filters.

275. For example, Meta employees consulted “[i]ndependent experts...from around the world” to study this issue. According to a subsequent internal presentation, those experts

¹⁷¹ MT-IG-AG-00213789

¹⁷² MT-IG-AG-00166909

“generally agree that Cosmetic Surgery Effects raise significant concerns related to mental health and wellbeing, especially for teenage girls.” The presentation recommended “continuing the ban and erring on the side of protecting users from potential mental health impacts.”¹⁷³

276. In November 2019, Meta staff formally submitted a long-term policy proposal to the Company’s decision-makers. It recommended that the Company should “[r]eject cosmetic effects that change the user’s facial structure in a way that’s only achievable by cosmetic surgery for the purposes of beautification (in a way that cannot be achieved by makeup).” The proposal clarified, “[t]his *does not apply* to effects that change a user’s facial structure for the purpose of turning the user into a character or animal.”¹⁷⁴

277. Meta’s decision-makers were unmoved by this recommendation.

278. For example, on November 14, 2019, Andrew Bosworth—then Meta’s VP of Augmented Reality and Virtual Reality—opposed the proposal, arguing that lifting the ban would only “move [users] to other apps which aren’t likely to be as restrained.”¹⁷⁵

279. A day later, Instagram’s Head of Public Policy questioned Bosworth’s perspective. She noted that the “strong recommendation” to “disallow[] effects that mimic plastic surgery” was made after consulting with Meta’s communications, marketing, and policy teams—as well as engagement “with nearly 20 outside experts and academics.”¹⁷⁶

280. Instagram’s Head of Public Policy added, “**we’re talking about actively encouraging young girls into body dysmorphia . . . the outside academics and experts consulted were nearly unanimous on the harm here.**”¹⁷⁷

¹⁷³ MT-IG-AG-00170733

¹⁷⁴ MT-IG-AG-00166909 (pg. 1)

¹⁷⁵ *Id.* (pg. 10-11)

¹⁷⁶ *Id.* (pg. 9)

¹⁷⁷ *Id.* (pg. 9-10)

281. Two days later, a second employee likewise challenged Bosworth's viewpoint: "[T]he argument that this decision [to prohibit cosmetic surgery selfie filters] might move people into other apps doesn't carry weight with me [i]f it means we're not setting a good example/being a good steward for young people."¹⁷⁸

282. Shortly thereafter, the question of "whether [Meta] should continue, modify, or lift the temporary ban on Cosmetic Surgery [augmented reality] Effects" was elevated to Zuckerberg.¹⁷⁹

283. Notwithstanding the staff's "strong recommendation" based on a chorus of experts, Zuckerberg decided to lift Meta's ban on these effects on May 8, 2020.¹⁸⁰

284. Later that week, a senior Meta employee memorialized her disagreement with Zuckerberg's decision, stating "I respect your call on this and I'll support it, but want to just say for the record that I don't think it's the right call given the risks . . . I just hope that years from now we will look back and feel good about the decision we made here . . . I wanted to take a moment to express my disagreement even as we move to implement this decision. Thanks for listening."¹⁸¹

285. In April 2021, several Meta employees were still reeling from Zuckerberg's decision. Reacting to an article that referred to social media's widespread use of augmented reality filters as "a mass experiment on girls and young women," an employee remarked, "[t]his makes me so sad to read. Especially knowing how hard we fought to prevent these on [Instagram]."¹⁸²

¹⁷⁸ *Id.* (pg. 9)

¹⁷⁹ MT-IG-AG-00198060

¹⁸⁰ MT-IG-AG-00198471

¹⁸¹ *Id.*

¹⁸² MT-IG-AG-00085750

286. A second employee replied, “I know, it’s pretty dispiriting to think about. And the fact that we have no idea what the long-term effects will be for this generation that has grown up comparing themselves to something that’s . . . totally fake.”¹⁸³

287. The first responded: “Given all the continued coverage on the impact of beauty filters on youth, I’d want us to consider age-gating these effects to [under-18] accounts.”¹⁸⁴

288. Upon information and belief, Meta never age-gated cosmetic selfie filters on its platforms—and the platform feature remains accessible to Young Users to this day.

289. Upon information and belief, Meta never publicly disclosed its findings that these effects were harmful to users, a material omission that misled consumers, parents, and guardians, leading consumers to spend more time on Instagram than they otherwise would.

B. Meta Promoted Misleading Metrics About the Incidence of Harms.

1. Meta’s Community Standard Enforcement Reports Vastly Understate the Incidence of Harmful Content and Experience.

290. Through public representations, Meta creates the impression that Instagram is a safe platform on which harmful content is rarely encountered.

291. For example, Meta broadcasts that message through its Community Standard Enforcement Reports (“the Reports”), which the Company publishes quarterly on its online “Transparency Center” and amplifies through press releases.

292. The Reports describe the percentage of content posted on Instagram that Meta removes for violating Instagram’s community standards. Meta often refers to that percentage as its “prevalence” metric.

¹⁸³ *Id.*

¹⁸⁴ *Id.*

293. Through Report-related talking points, Meta directed its employees to tout the “prevalence” metric as “the most important measure of a healthy online community.”¹⁸⁵

294. The Reports create the impression that because Meta aggressively enforces platform community standards—thereby reducing the “prevalence” of community-standards-violating content—Instagram is a safe product that only rarely exposes users (including Young Users) to harmful content.

295. However, this is a false equivalency intended to sow confusion. As Meta well understands, the “prevalence” of standards-violating content, which is often quite low, is not the same as the *actual* “prevalence” of harmful content, which is rampant on Instagram.

296. Notably, Meta drafted the “community standards,” and has incentives to design those standards narrowly so that they are rarely violated.

297. Nevertheless, Meta expressly represents that Instagram is safe because Meta enforces its community standards.

298. For example, the 2019 third quarter Report touts Meta’s “[p]rogress to help keep people safe.”¹⁸⁶ Likewise, the 2023 first quarter Report states that “we publish the Community Standards Enforcement Report...to more effectively track our progress and demonstrate our continued commitment to making...Instagram safe.”¹⁸⁷

299. Meta also publicly wields the Reports as evidence of the Company’s transparency. For instance, Meta’s third quarterly Report from 2021 declares “[w]e remain committed to providing transparency to what’s happening on our platforms.”¹⁸⁸

¹⁸⁵ MT-IG-AG-00023718

¹⁸⁶ MT-IG-AG-00002973

¹⁸⁷ <https://transparency.fb.com/data/community-standards-enforcement/>

¹⁸⁸ MT-IG-AG-00023746

300. This representation—publicly accessible on Meta’s online Transparency Center—creates the impression that through the Reports, Meta is disclosing its information most relevant to the safety of Instagram and the incidence of harmful content on that platform. In other words, Meta posts these reports to its online Transparency Center so that users, parents, and guardians who visit that site will believe that Young Users are unlikely to experience harm on Instagram.

301. Indeed, documents show that Meta intended the Reports to create that exact (mis)understanding.

302. In March 2021, Meta conducted an internal Meta “Company Narrative Audit” that suggested ways the Company could improve its standing with the public—and with consumers, more specifically. The audit identified several “narratives” the Company should attempt to combat.¹⁸⁹

303. One such narrative was the growing sentiment that “[Meta] allows hateful and harmful content to proliferate on its platform.”¹⁹⁰

304. To shift the “harmful content” narrative among “consumers,” the audit suggests that Meta should publicize that: “Every three months we publish our Community Enforcement Standards Report to track our progress and demonstrate our continued commitment to making Facebook and Instagram safe.”¹⁹¹

305. Consistent with this effort, internal communications show that Meta encouraged employees to use the Reports as an external “measure for platform safety” that “illustrate the efforts we are making to keep our platforms safe.”¹⁹²

¹⁸⁹ MT-IG-AG-00179744 (pg. 12)

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² MT-IG-AG-00023675

306. But the impression that the Reports create—that Meta platforms are safe and only rarely display harmful content—is false and misleading.

307. For example, Meta’s 2021 third quarter Report states that on Instagram, “less than 0.05% of views were of content that violated our standards against suicide & self-injury.”¹⁹³ That representation created the impression that it was very rare for users to experience content relating to suicide and self-injury on Instagram.

308. But Meta’s contemporaneous internal BEEF survey data showed that during 2021, 6.7% of surveyed Instagram users had seen self-harm content within the last seven days.¹⁹⁴ For users between 13-15 years of age, 16.9% had seen content relating to self-harm on Instagram within the last seven days.¹⁹⁵

309. Thus, the frequency with which users—particularly Instagram’s youngest users—encounter self-harm-related content on Instagram vastly exceeded the impression Meta created through its Reports.

310. A similar discrepancy may be seen in Meta’s measurement of bullying and harassing content.

311. For example, the third quarterly Report of 2021 stated that “we estimate between 0.05% to 0.06% of views were of content that violated our standards against bullying & harassment [on Instagram].”¹⁹⁶ This representation created the impression that it was very rare for users to observe or experience bullying or harassment on Instagram.

¹⁹³ MT-IG-AG-00091755 (pg. 3)

¹⁹⁴ MT-IG-AG-00232203 (pg. 21)

¹⁹⁵ *Id.*

¹⁹⁶ MT-IG-AG-00091755

312. Again, Meta’s contemporaneous internal user survey data told a different story: Among surveyed Instagram users, 28.3% witnessed bullying on the platform within the last seven days, and 8.1% were the target of bullying on the platform within the last seven days.¹⁹⁷

313. Among 13-15-year-olds, 48.7% reported witnessing bullying within seven days of the survey. Among users aged 16-17, that figure was 50%.¹⁹⁸

314. When asked whether they had been the target of bullying on Instagram within the last seven days, 21.8% of 13-15-year-olds—more than one in five—said yes.¹⁹⁹

315. Similarly, and contrary to the 2021 third quarter Report’s representation that harassment on Instagram was rare, Meta’s contemporaneous internal survey showed that 11.9% of all survey respondents said they had received unwanted advances on Instagram within the last seven days.²⁰⁰

316. Among 13-15-year-olds, 13.0% reported that they had received unwanted advances within the last seven days. Among 16-17-year-olds, that figure was 14.1%.²⁰¹

317. In other words, contrary to the impression the Reports created, Instagram users in general—and Young Users in particular—regularly encounter content related to self-harm, bullying, and harassment on Instagram. Through its Reports, Meta affirmatively misrepresented the actual prevalence of such harms.

¹⁹⁷ MT-IG-AG-00232203 (pg. 21)

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ *Id.*

2. Meta’s Executive Leadership Knew the Reports Misled and Would Continue to Mislead Consumers.

318. Meta’s leadership team understood the discrepancy between Meta’s public Reports and Meta’s internal survey results.

319. In fact, Meta’s most senior leadership—including Zuckerberg, Sandberg, Mosseri, and Chris Cox—were personally notified of this critical gap in Meta’s public-facing safety representations more than two years ago.

320. On October 5, 2021, Arturo Bejar—then a contractor for Meta and formerly Meta’s Director of Engineering—emailed Zuckerberg, Sandberg, Cox, and Mosseri voicing concerns that the Company’s public focus on community standards enforcement obscured the full extent of the harms users experienced on Instagram.²⁰²

321. Bejar attached the above-referenced internal BEEF survey results to his email.²⁰³

322. Bejar proposed that the Company shift the focus of its public communications away from the “prevalence” of community standards violations, towards a measure (like BEEF survey data) that more accurately conveyed the amount of harmful content encountered on Instagram.²⁰⁴

323. Meta disregarded Bejar’s suggestion.²⁰⁵

324. In fact, Zuckerberg, with whom Bejar worked directly for several years, declined to respond to Bejar’s email. Bejar has stated that he could “not think of an email that I sent to Mark [Zuckerberg] during my time [at Meta] that he didn’t read or respond to.”²⁰⁶

²⁰² Bejar Transcript Excerpts.

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

325. Even after Bejar’s email, Meta continued to issue and publicize the Reports—even though Meta’s leadership team knew the Reports vastly under-represented the volume of harmful content on Instagram, and despite Bejar’s pleas.

326. During the State’s investigation, Bejar testified that Meta adopted and maintained this strategy to mislead the public.

327. When asked if he believed “that Mr. Zuckerberg and other Company leaders focused on the Prevalence metric because it created a distorted picture about the safety of Meta’s platforms,” Bejar testified “I do.”²⁰⁷

328. When asked if he thought “Mr. Zuckerberg’s public statements about prevalence created a misleading picture of the harmfulness of Meta’s platforms,” Bejar testified “I do.”²⁰⁸

329. And when asked if he was “aware of any instances where the Company, in [his] view, minimized the harms users were experiencing on Meta’s platforms,” Bejar testified: “Every time that a Company spokesperson in the context of harms quotes Prevalence statistics I believe that is what they are doing, that they’re minimizing the harms that people are experiencing in the product.”²⁰⁹

330. Upon information and belief, Meta issued the Reports and made other public statements in order to downplay the harmful experiences that are widespread on Instagram—particularly for Young Users.

331. The Reports created the impression for users, parents, and guardians that Instagram would provide minimal exposure to harmful experiences such as bullying, self-harm content, and

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

unwanted contacts, when Meta knew that users (and particularly Young Users) were regularly exposed to those experiences on Instagram.

C. Meta Deceived Consumers by Promoting “Time Spent” Tools Despite Known Inaccuracies.

332. For years, Meta has affirmatively deceived consumers by promoting and maintaining inaccurate time-tracking tools on Meta platforms.

333. On August 1, 2018, Meta announced “new tools to help people manage their time on Facebook and Instagram.” The announcement touted platform-specific activity dashboards, daily use reminders, and a push notification-limiting tool engineered “based on collaboration and inspiration from leading mental health experts and organizations, academics, [Meta’s] own extensive research and feedback from [Meta’s] community.”²¹⁰

334. In that announcement, Meta acknowledged that it has “a responsibility to help people understand how much time they spend on [Meta] platforms so they can better manage their experience.” Meta stated that it hopes “that these tools give people more control over the time they spend on our platforms and also foster conversations between parents and teens about the online habits that are right for them.”²¹¹

335. Through these public statements and others, Meta led Mississippi consumers, parents, and guardians to believe they could rely on Meta’s so-called “Time Spent” tools to track and manage the time spent on the two platforms in a meaningful, accurate way.

336. That representation was false. By March 2020, Meta knew that its Time Spent data was materially flawed.

²¹⁰ “New Tools to Manage Your Time on Facebook and Instagram,” Aug. 1, 2018

²¹¹ *Id.*

337. As one Meta staffer observed at the time, “[o]ur [Time Spent] data as currently shown is incorrect. It’s not just that Apple / Google have better data. Ours is wrong. Far worse. **We’re sharing bad metrics externally** . . . The reason this is relevant is we vouch for these numbers. Any day they’re out there is a legal liability.”²¹²

338. By the middle of 2020, Meta staff sought feedback from Instagram’s internal team charged with determining whether product features should be sunsetted. That team recommended that Meta’s Time Spent tools should be removed from Meta platforms.²¹³

339. But Meta did not follow that recommendation because the “Time Spent” tool was a key part of Meta’s message to users, parents, and guardians that Instagram and Facebook were trustworthy platforms where the risks of addiction were low and manageable.

340. For instance, when she learned about the effort to remove the Time Spent tools, Instagram’s Head of Policy feared that the removal of inaccurate Time Spent tools would strip Meta of its “biggest proof point” on “tech addiction/problematic use.” Consequently, she advocated that the Time Spent tools should remain in place, despite their inaccuracy:

[T]he time spent dash[board and] end of feed notification is the biggest proof point we have on tech addiction/problematic use and the tool with the most positive sentiment from our mental health stakeholders—there’s no product work we’ve done in the last four years that comes close **and we wouldn’t have the credibility we now have in the social comparison/mental health parent space had we not launched this** . . . In order to land this unship successfully we would need to land the why, and without doing so we would lose significant credibility with our policy and mental health stakeholders . . . I don’t think that’s going to land well without having something that addresses the underlying issue around problematic use.²¹⁴

²¹² MT-IG-AG-00171486

²¹³ MT-IG-AG-00174125

²¹⁴ MT-IG-AG-00197537 (pg. 2-3)

341. The desire to maintain “credibility...in the social comparison/mental health parent space...” continued to motivate Meta well into 2020, as users spent more time on Meta’s platforms during the COVID-19 pandemic. For example, in July 2020, Meta’s Product Marketing and Communications teams told colleagues that Meta should not remove the inaccurate Time Spent tools because:

- “Time spent is a bigger concern due to COVID/spending more time online.”
- “[Meta] just deprioritized the mental health team, so no new or upcoming [mental health-promoting] features to point to here.”
- “[Facebook] launched their v2 time spent tool on iOS in Q2 (Android coming in Q3) and got decent press around the re-launch.”
- “Upcoming moments make the market environment sensitive in this area (suicide prevention day (sept), world mental health day (oct)) and there is concern that back-to-school will spark new issues in market perception due to the majority being online/remote learning so time spent online will likely be top-of-mind for many.”²¹⁵

342. Ultimately, Meta preferred to maintain the façade of Meta’s Time Spent tools because the truth—that Meta was not actually providing any meaningful, accurate tools to help users, parents, or guardians combat or reduce compulsive use—would undermine Meta’s business interests and public “sentiment.” In the words of one Meta employee who originally advocated for the removal of inaccurate Time Spent tools: “I don’t think we can touch [Time Spent] for months, maybe even more. The regulatory and brand risk from removing our only addiction-related features outweighs . . . the wins around user trust.”²¹⁶

²¹⁵ MT-IG-AG-00174972 (pg. 2)

²¹⁶ MT-IG-AG-00202191 (pg. 1)

343. On information and belief, Meta regularly promoted its “Time Spent” tool as an accurate and useful way for users to control their use of Instagram, even while it knew that that the “Time Spent” tool delivered inaccurate metrics.

344. Meta made these representations to build trust with consumers, parents, and guardians that Meta’s Time Spent tool would help users (particularly Young Users) manage their time on Instagram, even though Meta knew that tool was broken. In this way, Meta won public trust and sentiment by deceiving the public about the utility of its core addiction-mitigation feature.

D. Through Public Misrepresentations, Meta Leads the Public to Trust That Its Platforms are Safe for Young Users.

345. The Time Spent episode is not the only time Meta has prioritized winning trust over telling the truth. To the contrary, Meta has repeatedly misrepresented facts about its business to convince consumers, parents, and guardians that Meta can be trusted to keep Young Users safe on Instagram.

1. To Engender Public Trust, Meta Created the False Impression That It Does Not Prioritize “Time Spent”

346. To downplay concerns that its Platforms are addictive, Meta has repeatedly created the public impression that it does not prioritize increasing users’ time. To construct that impression, Meta employees represented that the Company does not internally measure success in terms of the time users spend on Meta’s platforms or otherwise encourage employees to pursue that goal.

347. For example, on October 30, 2019, Zuckerberg publicly stated that Meta does not allow Meta “teams [to] set goals around increasing time spent on [Meta’s] services.”²¹⁷

²¹⁷ MT-IG-AG-00002294

348. Similarly, in public remarks, Sandberg used talking points representing that the Company does not “optimize [its] systems to increase amount of time spent” and that Meta “explicitly do[es]n’t give [its] team goals around time spent.”²¹⁸

349. Meta makes representations like these to garner trust: it wants the public (including consumers, parents, and guardians) to believe that it does not measure success in terms of time spent to dispel the notion that it intentionally fuels compulsive use of Meta’s products.

350. But Meta’s representation that it does not set goals based on time spent is false.

351. For instance, on December 28, 2015, Zuckerberg instructed that Meta should aim to increase the time that Instagram users spend on the platform by 10% within the next five years.²¹⁹

352. Similarly, an internal Meta document lists “emphasis on driving time spent” among the Company’s “[k]ey [t]hemes” for the first half of 2016.²²⁰

353. As another example, an internal Meta presentation titled “2017 Teens Strategic Focus” explicitly describes Meta’s 2017 “goal” to “grow teen time spent.”²²¹

354. Thus, by claiming that it did not set goals based on time spent, Meta affirmatively misled the public—including Mississippi consumers, parents, and guardians—about the Company’s motivations and internal business practices. This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust a platform that works to capture ever-increasing shares of users’ time.

²¹⁸ MT-IG-AG-00230164.

²¹⁹ MT-IG-AG-00146511

²²⁰ MT-IG-AG-00146487

²²¹ MT-IG-AG-00189923 (pg. 2, 5)

2. Meta Deceptively Testified That It Age-Gates Content Inappropriate for Young Users

355. Meta also cultivated the impression that it protects Young Users from harmful or inappropriate content on Instagram.

356. In the opening remarks to her September 2021 Congressional testimony about the mental health effects of Meta’s platforms, Antigone Davis—Meta’s Global Head of Safety—told lawmakers: “We have put in place multiple protections to create safe and age-appropriate experiences for people between the ages of 13 and 17.”

357. During subsequent questioning from senators, Davis explained that “[w]hen it comes to those between 13 and 17, we consult with experts to ensure that our policies properly account for their presence, for example, by age-gating content.” Davis added, Meta does not “allow young people to see certain types of content. And we have age gating around certain types of content.”²²²

358. Davis also specifically testified that Meta does not “direct people towards content that promotes eating disorders.”²²³

359. Through Davis’ testimony, Meta led the public to believe that Meta successfully age-gates content that is inappropriate or harmful for Young Users.

360. But internal documents reveal Meta’s knowledge that Young Users regularly encounter content on Meta’s platforms that is not age appropriate—and that Meta’s platforms do, in fact, push certain Young Users toward content that promotes eating disorders.

²²² [Facebook Head of Safety Testimony on Mental Health Effects: Full Senate Hearing Transcript | Rev](#) *Id.*

²²³ *Id.*

361. For instance, by Meta’s own internal measure, only 2% of content that Young Users encounter on Meta’s platforms is “age appropriate nutritious” or “the sort of content we would like to promote to teens.”²²⁴

362. And, in contrast to Davis’ testimony, Meta knows that Instagram disproportionately directs teen girls to negative appearance comparison-promoting content —content that Meta knows promotes eating disorders.

363. As these examples show, through Davis’ testimony, Meta affirmatively misled the public—including Mississippi consumers—about the efficacy of Meta’s age-gating efforts. This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust a platform that exposes users to age-inappropriate or harmful content.

3. Meta Deceptively Testified That It Does Not Place a Monetary Value on Young Users

364. In a similar vein, Meta deceptively led the public to believe that it does not place a monetary value on Young Users’ use of Meta platforms. Meta created that impression it does not discuss its youngest users in terms of their financial value to the Company.

365. For example, during Davis’ September 2021 Congressional testimony, Senator Amy Klobuchar asked Davis for the monetary value that Meta places upon a young user’s lifetime use of Meta products.

366. Davis responded, “That’s not how we think about building products for young people . . . It’s just not the way we think about it.”

367. Through Davis’ testimony, Meta led the public to believe that it does not place a monetary value on Young Users’ use of Meta’s platforms.

²²⁴ MT-IG-AG-00187589.

368. But Meta’s internal correspondence demonstrates that Davis’ response to Senator Klobuchar was inaccurate and misleading.

369. For instance, an internal email from September 2018 illustrates that Meta plainly discusses the financial value that Young Users represent to the Company. According to Meta, “The lifetime value of a 13 [year old] teen is roughly \$270 per teen.”

370. Consequently, through Davis’ testimony, Meta affirmatively misled the public—including Mississippi consumers—about whether the Company places a monetary value upon Young Users’ lifetime use of Meta’s products. This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust a platform that calculates the monetary value that the platform may extract from a Young User’s lifetime engagement.

4. Meta Created the Misleading Impression That It Was Not Restricting Access to Internal Research Findings

371. Through Congressional testimony, Meta deceptively led the public to believe that it had not changed its internal data and research access policies in response to The Wall Street Journal’s 2021 coverage of Meta’s internal research findings. Meta wanted to create that impression so consumers, parents, and guardians would believe that the Company had no reason to lock down internal information about Instagram’s mental health impacts.

372. During Davis’ September 2021 Congressional testimony, Tennessee Senator Marsha Blackburn asked Davis “how are you restricting access to data internally? Have your policies changed since The Wall Street Journal articles [describing the Meta’s internal well-being research]?”

373. Davis succinctly responded, “Senator, not that I am—not that I’m aware of certainly.”

374. Through Davis’ testimony, Meta led the public to believe Meta did not change its internal access policies—such as restricting internal access to data and research—following The Wall Street Journal’s coverage of Meta’s internal well-being research.

375. But in fact, as described in detail in Section D.4 above, in reaction to The Wall Street Journal’s reporting (which led to Davis’ Congressional testimony), Meta methodically locked down internal access to well-being related data and research.

376. To briefly restate evidence described above, in August 2021—shortly after Meta learned of The Wall Street Journal’s forthcoming journalism—one Instagram research manager noted that the company was “locking down access to some of the extra sensitive pieces of work.”²²⁵

377. The same manager subsequently instructed a research colleague to “make sure that any of our shareable deliverables or insights docs that you own on the mental well-being space are locked down.”²²⁶

378. Consequently, through Davis’ testimony, Meta affirmatively misled the public—including Mississippi consumers—about whether the Company internally restricted access to data and research following The Wall Street Journal’s coverage of Meta’s internal findings. This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust a platform that undertakes affirmative steps to shield mental well-being research from employees so as to reduce the risks that research is leaked to the public.

5. Meta Created the Impression That Its Platforms Are Not Addictive, Despite Meta’s Internal Research to the Contrary

379. Through Congressional testimony, Meta led the public to believe that its platforms are not addictive, despite the Company’s internal research to the contrary.

²²⁵ MT-IG-AG-00185325

²²⁶ *Id.*

380. In her September 2021 Congressional testimony, Davis said that Meta does not build its products to be addictive and disputed the addictive nature of Meta's products.

381. Similarly, in Congressional testimony from December 2021, Adam Mosseri said, "I don't believe that research suggests that our products are addictive."

382. Through Davis and Mosseri's testimony, Meta led the public to believe Meta's platforms are not addictive.

383. In fact, as described in detail in Section B above, Meta (1) knew Instagram was addictive; and (2) made decisions that facilitated addiction to Instagram long before Davis and Mosseri's false testimony.

384. To briefly restate evidence described above, by September 2019, Meta knew from internal research that "[t]eens are hooked despite how [Instagram] makes them feel...Instagram is addictive, and time-spend on platform is having a negative impact on mental health."

385. And after observing in May 2020 that "approval and acceptance are huge rewards for teens and interactions are the currency on [Instagram]," Meta deployed engagement-inducing platforms features, such as "[direct messages], notifications, comments, follows, likes, etc. [that] encourage teens to continue engaging and keep coming back to the app."

386. Consequently, through Davis and Mosseri's Congressional testimony, Meta affirmatively misled the public—including Mississippi consumers—about the addictive nature of the Instagram platform. This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust an addictive platform.

IV. META ACTIVELY ALLOWS ITS YOUNGEST USERS TO CREATE AND MAINTAIN ACCOUNTS DESPITE PUBLICLY CLAIMING THOSE UNDER-13 ARE NOT ALLOWED ON META’S PLATFORMS

387. Meta’s disregard for the health and well-being of its Young Users is even more repugnant because its *Youngest* Users include children under age 13, which are prohibited from having accounts on Meta’s platforms without verified consent from parents prior to collecting personal information of those under age 13.

388. Meta routinely obtains “actual knowledge” of its youngest users on Meta’s Platforms.

389. Meta unfairly targets very young individuals to become users of its Platforms, making the Platforms directed at children.

390. Instead of obtaining verifiable parental consent, Meta relies on nominal bans on users under age 13 to avoid any responsibility to the youngest user and their parents.²²⁷ But, Meta’s own record reveals that it has actual knowledge that its Platforms target and successfully allow very young users on the Platforms.

391. Meta’s extensive internal records documenting its actual knowledge of very young Instagram users, in violation of their own policies, include the following: (1) charts boasting Instagram’s “penetration” into 11- and 12-year-old demographic cohorts;²²⁸ (2) an internal report presented to CEO Mark Zuckerberg regarding the four million under-13 users on Instagram;²²⁹ (3) emails and policies documenting Meta’s mishandling of known Under-13 user accounts;²³⁰ (4) discussions among Meta’s researchers taking pains to avoid uncovering Instagram’s Under-13

²²⁷ MT-IG-AG-00000329 (pg. 35)

²²⁸ MT-IG-AG-00019462

²²⁹ MT-IG-AG-00151100 (pg. 5)

²³⁰ MT-IG-AG-00060069

users through their studies;²³¹ (5) documents admitting that Instagram’s registration process regularly elicits false self-reported ages from its child-users;²³² and (6) data from Meta’s age-estimation algorithms confirming that millions of individual Instagram accounts belong to Under-13 children.²³³

392. Despite its public-facing claims that users under age 13 are not allowed on Instagram,²³⁴ Meta’s private internal documents revealed that Meta has coveted and pursued the under-13 Instagram user demographic for years.

393. As an internal Meta “pre-read” document, from 2018, Meta acknowledges, “we do very little to keep U13s off our platform.”²³⁵ While still publicly claiming that Meta does not allow these youngest users to create and maintain accounts on its Platforms, Meta clearly does.

394. Meta also acquired actual knowledge of specific under-13 accounts through external complaints regarding users under the age of 13 on Instagram. In these instances, Meta did not meaningfully enforce its nominal age-restriction on Instagram, despite external claims to the contrary.²³⁶

²³¹ MT-IG-AG-00060093

²³² MT-IG-AG-00171302 (pg. 2)

²³³ MT-IG-AG-00038749 (Graph showing % of teens by stated age and predicted age compared to labeled BD Shows that < 20% of 13-year-old users have a stated age of 13, while the model predicts that ~75% of these users are 13 years old. Suggests that Meta’s age prediction model is significantly more accurate at predicting age than stated age and that Meta knew users were lying about their age.)

²³⁴ *See, e.g.*, MT-IG-AG-00000329 (p. 35)

²³⁵ MT-IG-AG-00222325 (pg. 10)

²³⁶ MT-IG-AG-00000329 (pg. 17) (Antigone Davis testifying “we also allow people to report underage accounts, even if you’re not on Facebook, and we will remove them.”).

395. Meta possesses data from 2020 indicating that out of 3,989 children surveyed, 31% of child respondents aged 6 to 9 and 44% of child respondents aged 10 to 12-years-old had used Facebook.²³⁷

396. Meta is also aware that its registration process for Facebook does not prevent users under age 13 from creating Facebook accounts—and that it allows them onto the platform despite nominally prohibiting them.

397. Upon information and belief, Meta has confirmed its knowledge of specific under age 13 user accounts through its review of data generated by Meta’s age-estimation algorithms confirming that millions of individual Facebook accounts belong to children under age 13.

398. In sum, Meta failed to effectively exclude under age 13 users from using its Platforms, Meta acquired actual knowledge that specific children were on its Platforms when concerned parents, siblings, teachers, and community members told Meta about individual children on its Platform(s). Still, Meta declined to remove many of those children’s accounts and continued telling the public that Meta does not allow under age 13 users on its Platforms.

399. Children under the age of 13 are particularly vulnerable to the harms caused by Defendants’ Social Media Platforms, and Meta’s conduct violates longstanding societal norms meant to protect children, and to preserve parents’ autonomy to ensure the same.

²³⁷ MT-IG-AG-00136716 (pg. 52)

CAUSES OF ACTION

COUNT I: DECEPTIVE ACTS OR PRACTICES BY DEFENDANTS IN VIOLATION OF MISSISSIPPI'S CONSUMER PROTECTION ACT (MISS. CODE ANN. § 75-24-1, ET SEQ.)

400. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

401. Each Defendant is a “person” within the meaning of Miss. Code Ann. § 75-24-3(a), and, as such, is subject to the provisions of the Mississippi Consumer Protection Act (Miss. Code Ann. § 75-24-1, et seq.).

402. Defendants’ actions, as complained of herein, constitute deceptive trade practices in violation of Miss. Code Ann. § 75-24-5.

403. In numerous instances in connection with the advertising, marketing, promotion, and other representations regarding their products and services, including but not limited to statements made to reporters and statements provided in sworn testimony to Congress, including through the means described herein, Defendants made deceptive representations, directly or indirectly, expressly or by implication, with the intent that consumers rely on the deceptive representations, including the following representations by Meta:

- a. That Meta’s Social Media Platforms are not psychologically or physically harmful for young users and are not designed to induce young users’ compulsive and extended use, when they are so designed;
- b. That Meta’s Social Media Platforms are less addictive and/or less likely to result in psychological and physical harm for young users than their Social Media Platforms are in reality;

- c. Representing, through the publication of CSER reports and intentional omission of material BEEF and TRIPS data from those reports, and through other communications, that the incidence or prevalence of negative or harmful user experiences on Meta's Social Media Platforms was lower than it actually was;
- d. That Meta prioritized young users' health and safety over maximizing profits, when in fact Meta subordinated young user health and safety to their goal of maximizing profits by prolonging young users' time spent on their Social Media Platforms;
- e. That under-13 users are effectively excluded by Meta from using Instagram and/or Facebook;
- f. That Meta's collection of user data was not for the purpose of causing those users to become addicted to the Social Media Platforms, when in reality that was one of the purposes for which Defendants collected user data; and
- g. Other false and deceptive representations, as set forth above.

404. The Attorney General has determined that the imposition of an injunction prohibiting the conduct set forth herein is in the public interest pursuant to Miss. Code Ann. § 75-24-9. Absent injunctive relief by this Court, Defendants are likely to continue to their deceptive acts and practices and harm the public interest.

405. Pursuant to Miss. Code Ann. § 75-24-19, the Attorney General also demands penalties of up to \$10,000.00 per violation committed within the State of Mississippi. Each and every deceptive act or practice engaged in by Defendants as recited above constitutes a separate violation of the Mississippi Consumer Protection Act as provided by Miss. Code Ann. § 75-24-5.

406. Pursuant to Miss. Code Ann. § 75-24-11, the Attorney General also demands Defendants disgorge any and all profits derived from the challenged conduct occurring within the State of Mississippi.

407. Defendants knowingly and willfully engaged in the deceptive trade practices, methods, and acts set forth herein. The State is entitled to recover investigative costs and reasonable attorneys' fees pursuant to Miss. Code Ann. § 75-24-19(1)(b).

**COUNT II: UNFAIR ACTS OR PRACTICES BY DEFENDANTS IN VIOLATION
OF MISSISSIPPI'S CONSUMER PROTECTION ACT
(MISS. CODE ANN. § 75-24-1, ET SEQ.)**

408. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

409. Each Defendant is a "person" within the meaning of Miss. Code Ann. § 75-24-3(a), and, as such, is subject to the provisions of the Mississippi Consumer Protection Act (Miss. Code Ann. § 75-24-1, *et seq.*).

410. Defendants' actions, as complained of herein, constitute unfair methods of competition and unfair trade practices in violation of Miss. Code Ann. § 75-24-5.

411. Defendants' acts and omissions detailed herein—including Defendants' actions taken to encourage young users' compulsive and unhealthy use of and addiction to their Social Media Platforms—are offensive to public policy, as defined by statute and common law, and are likely to cause substantial injury that could have easily been avoided especially in view of those users' psychological developmental vulnerabilities. Furthermore, such injury is not outweighed by a countervailing benefit. The protection of minors from the dangers of addiction is a well-established objective underlying public policy in Mississippi.

412. Defendants' acts and omissions facilitating young users' compulsive and unhealthy use of and addiction to their Social Media Platforms are also immoral, unethical, oppressive, and unscrupulous. As described in detail in the foregoing paragraphs, Defendants, at all relevant times, had a thorough understanding of the harms suffered by young users of their Platforms and the role their Platforms play in exacerbating existing harms. Instead of taking measures to mitigate these damaging effects, Defendants turned a blind eye to them, and persisted in exploiting young users' psychological vulnerabilities. Defendants' acts and omissions alleged herein caused—and continue to cause—unnecessary and unjustified harm to young users in Mississippi, for Defendants' financial gain.

413. Defendants' acts and omissions alleged herein also have caused and continue to cause substantial injury to consumers that could not be reasonably avoided. Young users could not have reasonably avoided injuries resulting from Defendants' acts and omissions, including because Defendants misrepresented and failed to disclose the dangerous nature of their Social Media Platforms and because Defendants utilized psychologically manipulative engagement-inducing features, knowing that young users are especially susceptible to those psychologically manipulative tactics.

414. Meta's unfair acts and practices include its choice to target its Social Media Platforms to young users while knowingly designing its Social Media Platforms to include features that Meta knew to be psychologically and physically harmful to young users—including features known to promote compulsive, prolonged, and unhealthy use by young users.

415. Meta's unfair design choices include its utilization of Social Media Platform features that unfairly harm young users independently of any actions taken by third-party users of Meta's platforms. For example, features such as infinite scroll, ephemeral content features,

autoplay, and disruptive alerts were unfairly utilized by Defendants to extract additional time and attention from young users whose developing brains were not equipped to resist those manipulative tactics.

416. Defendants designed, developed, and deployed disruptive audiovisual and vibration notifications and alerts and ephemeral content features in a way that exploited young users' psychological vulnerabilities and cultivated a sense of "fear of missing out" in order to induce young users to spend more time than they would otherwise choose on Defendants' Social Media Platforms.

417. By algorithmically serving content to young users, according to "variable reinforcement schedules," Defendants manipulated dopamine releases in their young users, unfairly inducing them to engage repeatedly with their products—much like a gambler at a slot machine.

418. Each unfair act or practice engaged in by Defendants as recited above constitutes a separate violation of the Mississippi Consumer Protection Act as provided by Miss. Code Ann. § 75-24-5.

419. The Attorney General has determined that the imposition of an injunction prohibiting the conduct set forth herein is in the public interest pursuant to Miss. Code Ann. § 75-24-9. Absent injunctive relief by this Court, Defendants are likely to continue to their deceptive and unfair acts and practices and harm the public interest.

420. Pursuant to Miss. Code Ann. § 75-24-19, the Attorney General also demands penalties of up to \$10,000.00 per violation committed within the State of Mississippi. Each and every deceptive act or practice engaged in by Defendants as recited above constitutes a separate violation of the Mississippi Consumer Protection Act as provided by Miss. Code Ann. § 75-24-5.

421. Pursuant to Miss. Code Ann. § 75-24-11, the Attorney General also demands Defendants disgorge any and all profits derived from the challenged conduct occurring within the State of Mississippi.

422. Defendants knowingly and willfully engaged in the deceptive trade practices, methods, and acts set forth herein. The State is entitled to recover investigative costs and reasonable attorneys' fees pursuant to Miss. Code Ann. § 75-24-19(1)(b).

COUNT III: UNJUST ENRICHMENT

423. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

424. Plaintiff brings this Cause of Action for unjust enrichment against Defendants pursuant to its common law and/or *parens patriae* authority.

425. As a direct and proximate result of the unlawful conduct described above, Defendants have been and will continue to be unjustly enriched.

426. Defendants have benefited from their unlawful acts, realizing billions of dollars in revenues and profits through the collection, accumulation, harvesting, use, and monetization of vast amounts of young users' personal information and data.

427. It would be inequitable and not in good conscience for Defendants to retain any ill-gotten gains earned as a result of the conduct alleged herein, which gains would not exist but for the victimization of young users, by Defendants, in the State of Mississippi.

428. Defendants have retained this significant benefit despite their knowledge and understanding of the psychological, physical, financial, and data privacy harms described herein experienced by young users resulting from young users' use of their Social Media Platforms.

429. Young users have suffered and will continue to suffer significant detriments, in the form of the multiple psychological, physical, financial, and data privacy harms as described herein, as a result of Defendants' continued practices relating to their Social Media Platforms. The significant detriments and harms that young users have experienced resulting from Defendants' actions are identified above in paragraphs and include increased rates of suicidal ideation and suicidal attempts; severe anxiety and major depressive episodes; anxiety, loneliness, and isolation that result from social comparison; sleep deprivation and disturbances; the potential for lower earnings and professional and academic performance as a result of such severe psychological and mental health harms; and the broader loss of attention, time, and focus that could have been spent doing other things had it not been for Defendants' Social Media Platforms designed specifically to induce young users to spend more time than they would have otherwise chosen to.

430. Plaintiff requests an order from the Court compelling Defendants to disgorge proceeds that they unjustly received, including but not limited to the value of the intellectual property derived therefrom, as a result of its collection, harvesting, use, and monetization of young users' data and information that Defendants obtained knowing that the design of their Social Media Platforms caused significant detriment to young users.

COUNT IV: NEGLIGENCE - GENERAL

431. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

432. The State brings this Cause of Action for negligence against Defendants pursuant to its common law and/or *parens patriae* authority.

433. Defendants have a duty to make their Social Media Platforms reasonably safe for their Young Users.

434. Defendants breached that duty by making their Social Media Platforms addictive, not eliminating or substantially reducing the harms their Social Media Platforms cause their Young Users and providing inadequate warnings to Young Users and their parents.

435. Defendants' breach of this duty has harmed their Social Media Platforms' Young Users.

436. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the State's consumer protection and business regulation laws (including the MCPA) and the common law of Mississippi. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

COUNT V: NEGLIGENCE – FAILURE TO WARN

437. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

438. The State brings this Cause of Action for negligence against Defendants pursuant to its common law and/or *parens patriae* authority.

439. Defendants have a duty to warn the public as to the dangers posed to Young Users, identified herein, that are present on Defendants' Social Media Platforms.

440. Defendants breached that duty by, *inter alia*, concealing, omitting, or affirmatively misrepresenting material facts—as identified above—about the addictive nature of their Social Media Platforms, as well as the harms their Social Media Platforms were known to cause Young Users.

441. Defendants' breach of this duty has harmed their Social Media Platforms' Young Users.

442. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the State's consumer protection and business regulation laws (including the MCPA) and the common law of Mississippi. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully prays:

A. That the defendants have violated the Mississippi Consumer Protection Act, as well as the common law of Mississippi as set forth herein, and have been unjustly enriched by such;

B. That Plaintiff recover all measures of damages—including but not limited to restitution as well as actual and punitive damages—allowable under the claims identified herein, including Miss. Code § 75-24-15, and the common law, as well as disgorgement and that judgment be entered against Defendants in favor of Plaintiff;

C. That, in accordance with the Mississippi Consumer Protection Act (Miss. Code § 75-24-9), Defendants, their affiliates, successors, transferees, assignees, and the officers, directors, partners, agents, and employees thereof, and all other persons acting or claiming to act on their behalf or in concert with them, be enjoined and restrained from in any manner continuing, maintaining or renewing the conduct, alleged herein in violation of the above stated Mississippi laws, or from entering into any other act contract, conspiracy having a similar purpose or effect;

D. That Plaintiff recover the costs and expenses of suit, pre- and post-judgment interest, and reasonable attorneys' fees as provided by law;

E. That Defendants be ordered to pay civil penalties under Miss. Code Ann. § 75-24-19(1)(b); and

F. That the Court order such other and further relief as the Court deems just, necessary, and appropriate.

Respectfully submitted,

STATE OF MISSISSIPPI
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