

IN THE SUPERIOR COURT OF ALLEN COUNTY

STATE OF INDIANA,

Plaintiff,

v.

TIKTOK INC.,

and,

BYTEDANCE LTD.,

Defendants.

Case No. _____

PUBLIC REDACTED**COMPLAINT**

1. TikTok Inc. is a Chinese Trojan Horse unleashed on unsuspecting American consumers who have been misled by the company's false representations about the content on its platform. Tens of millions of minors use TikTok in the United States. In order to lure these children onto its platform, TikTok makes a variety of misleading representations and omissions to claim a 12+ rating on the Apple App Store and a "T" for "Teen" rating in the Google Play Store and the Microsoft Store. Once on the platform, many children are exposed to non-stop offerings of inappropriate content that TikTok's algorithm force-feeds to them. The resulting harm to young people, and society writ large, has been devastating.

2. TikTok Inc. is a for-profit company that operates TikTok, a digital application that allows users to create, upload, and share short videos and view and interact with short videos posted by other users. TikTok Inc. (hereafter, "TikTok"¹) is owned by a Chinese company called ByteDance Ltd.

¹ "TikTok" refers interchangeably to "TikTok Inc." and the TikTok platform/application throughout this complaint.

3. The TikTok application is the most-used application among young people in the United States, ages 13-17, outpacing Facebook, Instagram, and Snapchat. Teens in the U.S. spend an average of 99 minutes per day on TikTok.

4. The TikTok algorithm promotes a variety of inappropriate content to 13-17-year-old users throughout the United States. The TikTok algorithm serves up abundant content depicting alcohol, tobacco, and drugs; sexual content, nudity, and suggestive themes; and intense profanity. TikTok promotes this content regardless of a user's age, which means that it is available to users registered with ages as young as 13.

5. Content available and promoted to minors on TikTok can and does influence their behavior, causing significant harm, including to communities in Indiana. Southwest Allen County Schools Superintendent Dr. Park Ginder sent a letter home to parents in September 2021 informing them of increasing incidences of vandalism in county schools attributable specifically to the “social media craze” of videos on TikTok linked to the hashtag #deviouslicks. Those videos, he said, “show[ed] students from across the country stealing school furnishings or committing acts of vandalism such as emptying soap dispensers on the floors, smearing soap on walls, breaking mirrors, or clogging toilets.” He noted, “Obviously, our kids are influenced by social media and TikTok.”²

6. As a result of TikTok's predatory design, the platform brought in more than \$4 billion in revenue in 2021.

7. At the same time, TikTok's parent company, ByteDance, operates a parallel application in China called Douyin, which contains many more safeguards for its 13-year-old users. In China, young users under age 14 are required to use “Youth” mode and subject to real-

² *'It's happening': Devious Licks TikTok trend leading to vandalism at SACS schools*, WANE 15 NEWS (Sept. 16, 2021), <https://bit.ly/3EXOtL5>.

name authentication. Those users are limited to 40 minutes of daily use, between the hours of 6am and 10pm. Douyin also does not contain or promote the kind of salacious content that TikTok makes available to 13-year-olds in the U.S.; rather, it serves up educational and light entertainment content. Users under 18 are also barred from viewing live broadcasts on Douyin.

8. In short, TikTok poses known risks to young teens that TikTok's parent company *itself* finds inappropriate for *Chinese* users who are the same age. Yet TikTok and ByteDance are content to push salacious and inappropriate content to all young *U.S.* users 13 and up for unlimited periods of time, day and night, in an effort to line TikTok's pockets with billions of dollars from U.S. consumers.

9. An essential part of TikTok's business model is presenting the TikTok application as safe and appropriate for young users between the ages of 13 and 17, because that group is a key demographic for the company and indicative of future growth. In service of that goal, TikTok has misled and deceived Indiana consumers from the company's inception about the content that is available on the TikTok platform.

10. In particular, TikTok has communicated to Indiana consumers that "Alcohol, Tobacco, and Drug References," "Sexual Content or Nudity," "Mature/Suggestive Themes," and "Profanity or Crude Humor" are "Infrequent/Mild" on the platform, when in fact, these types of content are frequent and intense on the platform. Each of these representations is misleading and deceptive standing alone. Their cumulative effect is also misleading and deceptive. Anyone can visit TikTok's page in the App Store *right now* and see these representations listed as part of TikTok's age rating description.

11. Not only have these misrepresentations misled and deceived Indiana consumers, but they have also allowed TikTok to self-select a "12+" age rating for itself in Apple's App Store,

an age rating that falsely indicates to Indiana consumers that the TikTok application is safe for users 12 and older. In fact, the only appropriate rating for TikTok in the App Store is “17+” (meaning that the application is, at most, appropriate for users aged 17 and older). TikTok’s choice to adopt a “12+” age rating in the App Store is misleading and deceptive to Indiana consumers.

12. The App Store is operated by Apple, Inc., and is a digital platform that allows users to download applications, including the TikTok application. A “12+” rating communicates to Indiana consumers that a particular application is appropriate for users twelve years old and older.

13. In order to receive a “12+” rating in the App Store, TikTok has knowingly self-reported certain false information to the App Store.

14. First, TikTok has self-reported in the App Store that the frequency of “Alcohol, Tobacco, and Drug Use or References” on the TikTok platform is “infrequent/mild.”

15. In fact, alcohol, tobacco, and drug content on TikTok is abundant; it is neither “infrequent” nor “mild.” TikTok not only allows users to search for *thousands* of alcohol-, tobacco-, and drug-related hashtags, but it even *recommends* such searches to users through its Autocomplete feature. This means that users who merely type “al” into the TikTok search bar will be offered search terms that return thousands of videos about using alcohol, including videos about hiding alcohol from parents and making alcohol taste like candy. Similarly, users who merely type “shr” into the TikTok search bar will be offered search terms that lead to thousands of videos about hallucinogenic mushrooms, called “shrooms.”

16. Second, TikTok has self-reported in the App Store that the frequency of “Sexual Content or Nudity” on the TikTok platform is “infrequent/mild” and that the frequency of “Mature/Suggestive Themes” is “infrequent/mild.”

17. In fact, sexual content, nudity, and mature or suggestive themes are abundant on TikTok; they are neither “infrequent” nor “mild.” TikTok not only allows users to search for *thousands* of sexual, mature, or suggestive hashtags, but it even *recommends* such searches to users through its Autocomplete feature. This means that users who merely type “stri” into the TikTok search bar will be offered terms like “skripper TikTok,” which returns thousands of videos about strippers, some of which have millions of views and depict women pole dancing or dressed in thong underwear or giving tips on stripping. Similarly, typing “spi” into the TikTok search bar results in a user being offered “spiceytok,” a search that returns thousands of sex-related videos; and “ki” offers “kintiktok,” a search that returns thousands of videos about sexual kinks, including bondage, sadomasochism, rape fantasy, and forced breeding kinks. Typing only the letter “b” into the search bar offers “BADDIESONLY,” a search that returns thousands of videos of women “twerking” and of men doing body shots off bikini-clad women, many of which have millions of views.

18. In light of this abundant and serious sexual content and mature or suggestive themes, TikTok misleads and deceives Indiana consumers by choosing “infrequent/mild” to describe the quantity and nature of these types of material on the TikTok platform. For the same reason, TikTok misleads consumers by choosing a “12+” rating for the TikTok application when the App Store also offers TikTok the option to self-select the more appropriate “17+” rating that accurately corresponds to the content available on TikTok.

19. TikTok knows, however, that if it were to instead choose the only other available option, “frequent/serious,” to describe sexual content, nudity, and mature or suggestive themes on the platform, then the TikTok application would be eligible only for a “17+” age rating in the App Store—a rating that, for business reasons, TikTok does not want.

20. Third, TikTok has self-reported in the App Store that the frequency of “Profanity or Crude Humor” on the TikTok platform is “infrequent/mild.”

21. In fact, profanity is frequent and intense on the TikTok platform. For example, TikTok does not restrict the availability or use of music with explicit lyrics by users of its platform. The platform includes videos with billions of views that include song lyrics with words like “fuck,” “pussy,” “clit,” and “dick.”

22. If TikTok were to truthfully self-report, however, that “Profanity or Crude Humor” on its platform is “Frequent/Intense,” then TikTok would not qualify for a 12+ age rating. TikTok instead reports that “Profanity or Crude Humor” is “Infrequent/Mild” so that it can continue to falsely claim a 12+ rating on the page consumers use to download the TikTok app in the Apple App Store.

23. TikTok is also required to answer age-rating questions before making its application available in the Google “Google Play” store and Microsoft’s “Microsoft Store.” TikTok’s age-rating answers allow it to display a “T” for “Teen” rating in both of these online stores, which is defined as: “Content is generally suitable for ages 13 and up. May contain violence, suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.” That age rating is unfair and deceptive to consumers because suggestive themes, crude humor, and strong language appear frequently and are intense on the TikTok platform. Based on the actual content of TikTok’s app and the age-rating descriptions employed by the Google Play and Microsoft Stores, TikTok does not qualify for any age rating lower than an “M” for “Mature” rating, which is defined as: “Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.”

24. TikTok committed the acts alleged in this Complaint as part of a scheme, artifice, or device with intent to defraud or mislead, and therefore committed incurable deceptive acts.

25. At the very least, TikTok knew that its acts were deceptive, entitling the State to injunctive relief.

26. Therefore, the State of Indiana seeks a preliminary and permanent injunction to compel TikTok to cease its false statements about the frequency and severity of alcohol, tobacco, and drug content, sexual content, nudity, mature/suggestive themes, and profanity on the TikTok platform.

27. The State of Indiana further seeks civil penalties in light of TikTok Inc.'s unfair and deceptive conduct, which has harmed and continues to harm Indiana consumers.

28. The State of Indiana demands a jury trial.

JURISDICTION AND VENUE

29. IND. CODE § 4-6-3-2 (2012) authorizes the Attorney General to bring actions on behalf of the State of Indiana.

30. IND. CODE § 24-5-0.5-4(c) (2020) empowers the Indiana Attorney General to “bring an action to enjoin a deceptive act” under Indiana’s Deceptive Consumer Sales Act, *Id.* § 24-5-0.5, *et seq.*

31. IND. CODE § 24-5-0.5-4(g) further provides that where the “court finds any person has knowingly violated” the prohibition on deceptive acts, the Attorney General “may recover from the person on behalf of the state a civil penalty” of up to \$5,000 “per violation.”

32. IND. CODE § 24-5-0.5-8 also authorizes the Attorney General, through a petition brought under IND. CODE § 24-5-0.5-4(c), to seek a civil penalty against a person who commits an “incurable” deceptive act, of up to \$500 “for each violation.”

33. Accordingly, this Court has jurisdiction to hear this dispute, and is further authorized to “order the supplier to pay to the state the reasonable costs of the attorney general’s investigation and prosecution related to the action.” IND. CODE § 24-5-0.5-4(c)(4).

34. The State of Indiana is a governmental organization and thus bears no requirement to give security for the payment of costs and damages for any party wrongfully enjoined. IND. R. CIV. P. 65(C).

PARTIES

35. Plaintiff Indiana is the State of Indiana.

36. Defendant TikTok Inc. is a for-profit entity incorporated in the State of Washington, which operates a social media application and platform known as “TikTok.” TikTok Inc. is headquartered at 5800 Bristol Pkwy, Culver City, CA, 90230-6696. TikTok Inc. is valued at \$50-75 billion. TikTok Inc. made nearly \$4 billion in revenue in 2021.

37. Defendant ByteDance Ltd. is a multinational internet technology holding company and is the parent company of TikTok Inc. ByteDance Ltd. is headquartered at Room 503 5F, Building 2, 43 North Third Ring West Road, Beijing, 100086 China. ByteDance Ltd. is valued at more than \$400 billion. ByteDance Ltd. reported \$58 billion in revenue in 2021.

FACTUAL ALLEGATIONS

What TikTok Is

38. TikTok is a social media platform that centers on short videos created and uploaded by users and often set to music. TikTok is available as an application to download on smartphones and tablets, and most TikTok users interact with the platform through an application. Users can

download the TikTok application from the Apple App Store, the Google Play Store, or the Microsoft Store.

39. TikTok users register and create a profile in order to access the platform. In doing so, TikTok users answer a few questions about themselves and provide their birthdays. A user can only access the platform if he provides a birthday indicating that he is 13 years old or older.

40. TikTok offers a music library and video-editing features that make it easy for users to create and upload their own videos, which will then be featured on the user's individual user page. Users have the option to search for and follow other users, whether those users are real-life friends, virtual acquaintances, or celebrities.

41. TikTok's "For You" feed is a never-ending, algorithmically-personalized stream of videos provided to an individual TikTok user upon logging into the TikTok application. In TikTok's words:

When you open TikTok and land in your For You feed, you're presented with a stream of videos curated to your interests, making it easy to find content and creators you love. This feed is powered by a recommendation system that delivers content to each user that is likely to be of interest to that particular user. Part of the magic of TikTok is that there's no one For You feed – while different people may come upon some of the same standout videos, each person's feed is unique and tailored to that specific individual.³

42. The TikTok application tracks each user's interaction with other users' content, and this information feeds the TikTok algorithm, which in turn powers the "For You" feed. Tracked information includes: whether a user clicks on a button to "like" a particular video; how long a user views a particular video before scrolling to another video; content enjoyed by the user's "friends" or others in geographic proximity; and the hashtags associated with videos that inspire a particular user to interact (by liking or watching).

³ *How TikTok Recommends Videos #ForYou*, TIKTOK (June 18, 2020), <https://bit.ly/3NuYeUY>.

43. The TikTok application also allows users to search for content. Users can type text or emoji's into the TikTok search bar. The search bar will offer "Autocomplete" suggestions to the user. The user may select these suggestions or continue typing his or her own search term. The TikTok application will then produce search results for the user to view. Search results include both videos produced by other users and the profile pages of other users.

44. The TikTok application collects data about a user's location and uses this data to make the application profitable. Collected geographic data ranges from precise location data to IP addresses and general location information. TikTok uses this information to target advertisements to particular users and to hone the TikTok algorithm's ability to keep users on the platform. Collecting geographic data is fundamentally important to TikTok's business model.

TikTok Offers Its Application With a "12+" Rating in the App Store and TikTok Self-Reports That "Alcohol, Tobacco, and Drug Use and References," "Sexual Content and Nudity," "Mature/Suggestive Themes," and "Profanity or Crude Humor" on TikTok Are "Infrequent/Mild"

45. TikTok makes its TikTok application available to Indiana consumers to download in the Apple App Store.

46. TikTok is required to submit its TikTok application to the App Store in order for its application to be made available to consumers there. As part of the submission process, Apple, Inc. requires TikTok to self-report certain details about the content and capabilities of its TikTok application. TikTok is required to self-report these details each time it submits a new version of the TikTok application to the App Store.

47. Many of these self-reported details relate to the age-appropriateness of the application being submitted. The App Store asks TikTok a series of "Age Rating" questions, which TikTok must answer, and as a result of those answers, the App Store assigns an age rating or a range of age ratings to the application. The age rating will be made visible to consumers seeking to

download the application in the App Store, and in some cases, additional details about the application's age rating will also be made visible to consumers in the App Store. This age-rating process is the same for all application developers.

48. An application's age rating is important to consumers, and particularly parents. Just as a parent might determine which movies are appropriate for their children to watch based on the "rating" the movie receives (G, PG, PG-13, or R), so too do parents check the age rating of applications before allowing their children to download and use the application. Parents may supervise their children's devices directly to see which applications their children are downloading, or they can use parental controls to prevent their children from downloading applications with particular age ratings. For example, a parent may use parental controls on a 13-year-old's iPhone to automatically prevent the 13-year-old child from downloading any application with a 17+ age rating.

49. Part of the App Store's age-rating process includes a series of content categories, and for each category, the application developer is prompted to select "the level of frequency for each content description that best describes your app." The available levels of frequency are "none," "infrequent/mild," and "frequent/intense." The content categories include the topics "Alcohol, Tobacco, or Drug Use or References," "Sexual Content or Nudity," "Mature/Suggestive Themes," and "Profanity or Crude Humor."

50. When application developers answer the age-rating prompts, the App Store generates a recommended age rating. One such age rating is the "12+" rating. Applications with a "12+" rating are appropriate for consumers ages twelve and older. Apple defines its "12+" rating by saying that applications with that rating may contain "infrequent mild language" or "mild or

infrequent mature or suggestive themes.” *Get Started: Age Ratings*, APPLE (last visited Dec. 2, 2022), <https://apple.co/3ydIBeh>.

51. The next and highest age rating in the App Store is the “17+” age rating. Applications with this age rating are appropriate for consumers ages seventeen and older. Apple defines its “17+” rating by saying that such applications may contain “frequent and intense” references to “offensive language,” “suggestive themes,” and “sexual content, nudity, alcohol, tobacco and drugs which may not be suitable for children under the age of 17.” *Id.*

52. If an application developer answers the age-rating prompts and receives an age rating recommendation lower than “17+,” the application developer may nonetheless self-select the higher age rating of “17+.”

53. Currently, TikTok displays a “12+” rating in the App Store, and its page contains the following explanations and descriptions related to that rating: “Infrequent/Mild Sexual Content and Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References,” and “Infrequent/Mild Profanity or Crude Humour.” *TikTok*, APPLE APP STORE (last visited Nov. 2, 2022), <https://apple.co/3SQAI6f>.

54. TikTok is required to answer the App Store’s age rating questions every time it uploads a new version of the TikTok app to the App Store for consumers to download (including for existing TikTok users to download as an update to their existing app). For example, between May 10, 2022 and September 29, 2022, TikTok uploaded 25 different versions of its application to the App Store, and for each of those 25 versions, TikTok was required to answer the App Store’s age rating questions. Upon information and belief, TikTok answered “Infrequent/Mild” in response to the categories “Sexual Content and Nudity,” “Mature/Suggestive Themes,” “Alcohol, Tobacco, or

Drug Use or References,” and “Profanity or Crude Humor” each of the 25 times TikTok uploaded a new version of its application during this period.

55. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Consumers could scroll to the bottom of the TikTok page in the App Store and find the following age-rating description listed there: “Infrequent/Mild Sexual Content or Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” and “Infrequent/Mild Profanity or Crude Humor.” Upon information and belief, version 24.2.0 of the TikTok application was made available in the App Store on May 4, 2022.⁴

56. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Upon information and belief, version 24.1.0 of the TikTok application was made available in the App Store on April 21, 2022.⁵ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Consumers could scroll to the bottom of the TikTok page in the App Store and find the

⁴ *TikTok*, APP STORE (last visited Dec. 2, 2022), <https://apple.co/3Y25OLy> (“Version History” section).
⁵ *Id.*, *infra* n.1.

following age-rating description listed there: “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References,” “Infrequent/Mild Sexual Content or Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” and “Infrequent/Mild Profanity or Crude Humor.”

57. If TikTok had answered “frequent/intense” in response to the “Alcohol, Tobacco, or Drug Use or References” prompt or the “Sexual Content or Nudity” prompt or the “Mature/Suggestive Themes” prompt or the “Profanity or Crude Humor” prompt for any version of its application, then its application could have qualified only for a “17+” age rating in the App Store, meaning that the application would be advertised as appropriate only for users seventeen years old and older.

58. But because TikTok selected [REDACTED] in response to the “Alcohol, Tobacco, or Drug Use or References” prompt, the “Sexual Content or Nudity” prompt, the “Mature/Suggestive Themes” prompt, and the “Profanity or Crude Humor” prompt, the App Store offered TikTok a 12+ rating for its TikTok application. A 12+ rating means that the TikTok application will be advertised as appropriate for users twelve years of age and older. [REDACTED]

[REDACTED] The App Store offers all app developers the option to self-select a “17+” rating, but TikTok has never offered its application with a “17+” rating in the App Store.

59. At all times relevant to this action, TikTok was aware that the result of its self-reported answers to the App Store’s age-rating questions would be to generate an age rating that would be prominently displayed for consumers on the TikTok application’s page in the App Store.

60. [REDACTED]

[REDACTED]

61. [REDACTED]

[REDACTED]

62. Similarly, TikTok is required to answer age-rating questions before making its application available for download in Google’s “Google Play” store and Microsoft’s “Microsoft Store.”⁶ In both of these alternate fora, TikTok has claimed a “T” for “Teen” rating. [REDACTED]

[REDACTED] A “T” for “Teen” rating is defined as: “Content is generally suitable for ages 13 and up. May contain violence, suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.” By contrast, an “M” for “Mature” rating is defined as: “Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.”⁷

63. TikTok’s application contains frequent and intense sexual content and strong language, and according to the age-rating definitions supplied by the Google Play and Microsoft Stores, TikTok does not qualify for any age rating below “M” for “Mature.” By claiming a “T” for “Teen” rating, TikTok misleads and deceives Indiana consumers.

TikTok’s “Restricted Mode”

64. TikTok offers users a feature called “Restricted Mode,” which is available in the application. Users set a passcode and then enable “Restricted Mode,” which can later be turned off by entering the same passcode.

⁶ *Content ratings for apps and games*, GOOGLE PLAY (last visited Dec. 2, 2022), <https://bit.ly/3UextFW>; *Age ratings*, MICROSOFT STORE (last visited Dec. 2, 2022), <https://bit.ly/3ihMU2X>.

⁷ *Content ratings for apps and games*, GOOGLE PLAY (last visited Dec. 2, 2022), <https://bit.ly/3UextFW>.

65. TikTok says this to describe “Restricted Mode” to parents seeking information about the safety of TikTok for young users:

If you’d like to limit content more quickly with a broader brush stroke, you can enable Restricted Mode. Restricted Mode is an option at the account settings level that limits the appearance of content that may not be appropriate for all audiences. Restricted Mode can always be turned off by the person who enabled it to begin with. So if your teen find[s] themselves missing videos they want to see, you can switch it back for them whenever you’d like.

TikTok Parental Guide, TIKTOK (Oct. 16, 2019), <https://bit.ly/3FnR7ey>.



67. Even for those users who do have Restricted Mode enabled, however, the setting restricts little content from being visible to young users. In fact, unless otherwise stated specifically, *all* of the videos described in this complaint were obtained by using a TikTok app registered to a 13-year-old user with Restricted Mode *enabled*.

68. In other words, the content described throughout this Complaint was almost entirely available to a 13-year-old TikTok user, even when TikTok’s “Restricted Mode” safety feature was turned *on*.

**“Alcohol, Tobacco, and Drug Use or References” on TikTok
Are Neither Infrequent Nor Mild**

69. TikTok, Inc. has misled Indiana consumers by offering its TikTok application with a “12+” rating in the App Store, knowing that such a rating conveys that its application is appropriate for users twelve years old and older. In fact, the TikTok application is profoundly *inappropriate* for users who are under seventeen. In particular, the TikTok application contains abundant amounts of content about alcohol, tobacco, and drug use or references.

70. The extensive alcohol-, tobacco-, and drug-related content on the TikTok platform is neither “infrequent” nor “mild.” TikTok’s representations to the contrary are patently false.

71. TikTok not only allows but *encourages* users to search for alcohol-, tobacco-, and drug-related content on the TikTok platform. While TikTok has disabled search results for some common terms for alcohol, tobacco, and drugs, TikTok continues to permit searches for obvious misspellings of those common terms and other slang words for alcohol, tobacco, and drugs. And not only does TikTok *allow* such searches, it *assists* users in locating these alternative search terms by recommending them to users as Autocomplete suggestions.

72. For example, TikTok returns no search results when a user searches for “shrooms,” which is a correctly spelled slang term for hallucinogenic mushrooms. But when a user types “shr” in the search bar in the TikTok application, TikTok’s Autocomplete function suggests “shroomz” as a possible search term. If the user then searches for “shroomz,” the TikTok application returns thousands upon thousands of videos about hallucinogenic mushrooms. For example, the “shroomz” search will return videos of people describing or depicting what a “trip” on “shrooms” feels like, describing the amount of “shrooms” they took, and comparing the similarities and differences between trips on “shrooms” as opposed to LSD.

73. Similarly, “shroomtok” returns no search results but the misspelling “shroomtok” returns many relevant results, including individuals consuming shrooms while placing a mushroom emoji over the drug to disguise it (while clearly stating that they are consuming hallucinogenic mushrooms).

74. A user need not be *seeking* alcohol, tobacco, or drug content for TikTok’s Autocomplete feature to recommend suggested searches about that content. For example, merely typing “al” into TikTok’s search bar generates “alc for teens” as a possible search, which returns

thousands of videos about teens obtaining and drinking alcohol, including videos about buying alcohol underage, stealing alcohol from parents, or types of alcohol “that every teen has tried at least once.”. Merely typing “al” into TikTok’s search bar also generates “alcohol beverages recipe” as a possible search, which returns thousands of videos offering recipes for alcoholic beverages. Some of these videos include recipes and how-to instructions for drinks that do not taste like alcohol or drinks that taste like candy.

75. Some searches are simply available on TikTok without misspellings, even though they clearly return alcohol, tobacco, or drug content. For example, “#drinkinggame” is an operative hashtag on TikTok with 1.6 billion views. Most of the top videos returned when searching for that hashtag are actual drinking games. One such video shows a drinking game in which shot glasses are attached to pull-and-go toy cars, which are then released alongside a row of liquor bottles; the player is required to take a shot from whatever bottle of liquor the toy car lands near. In another video, a user explains the rules of a drinking game called “circle of death” in response to a question from another user asking for the instructions “cause I got alcohol poisoning playing that in high school.”

76. Cannabis content is also abundant on the TikTok platform. For example, the search term “canna recipes” provides thousands of videos depicting how to infuse cannabis into butter or other edibles to then cook with or consume. Typing “edib” into the TikTok search bar offers the Autocomplete suggestion “ediblestiktok,” which returns thousands of videos about cannabis-laced gummies and other foods. Many of those videos are attractive to young users, such as videos showing sweet gummy candies made from melted gummy bears laced with cannabis. Searching for “canna gummies” returns thousands of videos of users making and/or consuming cannabis-laced gummies. Searching for “ediblestiktok gummies” returns videos advertising cannabis-laced

gummies for sale and videos showing users getting high by eating cannabis gummies. *See Exhibit 16.* One video shows a young man consuming cannabis edibles repeatedly throughout the course of an entire day, and that video has 13.2 million views.⁸

77.

[REDACTED]

78.

[REDACTED]

TikTok’s “12+” Rating and Its Statement That “Alcohol, Tobacco, and Drug Use or References” Are “Infrequent/Mild” Is Unfair and Deceptive to Indiana Consumers

79. In light of the abundant alcohol, tobacco, and drug content on TikTok, and because much of that content is intense in nature, TikTok’s self-reported age-rating answers in the App Store are unfair and deceptive to Indiana consumers. Yet TikTok intentionally falsely reports the

⁸ Tommy Winkler (@tommywinkler), TIKTOK (Sept. 21, 2021), <https://bit.ly/3VK8hIH>.

frequency of alcohol, tobacco, and drug content on the TikTok platform to the App Store because TikTok wants to keep and increase young users' engagement with the TikTok platform.

80.

[REDACTED]

81.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

82. TikTok knows that if it truthfully answered that alcohol, tobacco, and drug content on its platform is “frequent/intense” rather than “infrequent/mild,” then the TikTok application would only qualify for a “17+” rating in the App Store, which would damage TikTok’s business. A “17+” rating would communicate to consumers that the TikTok application is not safe for users under age 17. But users between the ages of 13 and 16 are among TikTok’s strongest demographic. TikTok’s success among this demographic is also deeply threatening to TikTok’s other social media competitors, like Snapchat, Instagram, and Facebook, and is an important factor in TikTok’s growth trajectory.

83. TikTok also knows that if its application had a “17+” rating in the App Store, some young users would be unable to download it because of parental controls in place on their devices. The App Store allows a parent to restrict the age ratings that a young user is able to download, and some parents choose not to let their children download applications with a “17+” rating. This would further restrict engagement among TikTok’s critical young-user demographic.

84. [REDACTED]

[REDACTED]

[REDACTED]

**“Sexual Content or Nudity” and “Mature/Suggestive Themes” on TikTok
Are Neither Infrequent Nor Mild**

85. Simple searches on TikTok demonstrate that “Sexual Content or Nudity” and “Mature/Suggestive Themes” on TikTok are neither infrequent nor mild.

86. If a user types “stri” into the TikTok search bar, TikTok recommends “skripper tiktok” as a search result. This search returns thousands of videos about strippers, including descriptions of typical workdays for strippers and videos of strippers in thong underwear and other lingerie. Many stripper-related videos also have millions of views on TikTok. For example, a woman’s description of working a dayshift as a stripper, including how much money she made, has 13.7 million views.⁹ A video containing tips for working as a stripper and pole dancer from a self-professed 18-year-old “baby stripper” has 2.2 million views).¹⁰

87. Searching for “seggs” with the “egg” emoji in place of the letters “e-g-g” offers abundant sexual content, including a young woman describing things she has said while having sex, a young couple depicting “what should happen after seggs,” videos about women who “squirt” during sex, and a young woman listing “movies I’ve had seggs to.”

88. Pole dancing videos are commonplace on TikTok, including videos of a man and woman pole dancing together or two men pole dancing together, and these videos often have millions of views.¹¹ The phrases “exoticpole,” “exoticpoledancer,” and “poledancer” are all searchable on TikTok and return pole dancing videos with millions of views. These searches lead to individual users with numerous videos of sexualized dance routines, typically performed with thong underwear.

89. Pegging is a term used to refer to sexual intercourse in which a woman wears a dildo and penetrates a man’s anus. While TikTok does not allow searches for the word “pegging”

⁹ Layla Lavenderr (@dro0l), TIKTOK (Dec. 26, 2021), <https://bit.ly/3FjI3HF>.

¹⁰ (@tashafkng), TIKTOK (June 12, 2022), <https://bit.ly/3VPmmV5>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

¹¹ Anysia Shung (@annysiia), TIKTOK (Oct. 13, 2021), <https://bit.ly/3ujaD5x> (2.8 million views); Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Jan. 17, 2022), <https://bit.ly/3VJcvjK> (1.5 million views); Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Apr. 18, 2022), <https://bit.ly/3ugYvIL> (3 million views); Brianna Leigh (@veganbrianna), TIKTOK (Aug. 24, 2021), <https://bit.ly/3H1ELKp> (1.1 million views); Isis Maia Bello (@isismaiabello), TIKTOK (Feb. 11, 2022), <https://bit.ly/3h1TYQV> (3.4 million views).

on its platform, TikTok allows searches for many other terms that lead to the same content, including “p3gging,” “pegtok,” and “peging.” Results returned by these hashtags include: a video of a professional mistress discussing her experiences with pegging and “anal play” (3.6 million views)¹²; a video about pegging that includes a sex toy (2.8 million views)¹³; and a video that includes the text “he finally let me peg him” (3.8 million views)¹⁴. The search “he finally let me peg him” returns numerous videos in which women say that their male partners have “finally let me peg him.”

90. Domination and submission are sexual kinks that refer to one partner dominating and another partner submitting during sex. Numerous videos on TikTok describe and glorify these activities, including: a video of a dominant and submissive partner with a belt (35 million views)¹⁵; a submissive partner describing the control a dominant partner exercises over him, including control over what he wears and the color of his hair (2.7 million views)¹⁶; a video in which a dominant partner describes physical abuse during sex (565,700 views)¹⁷; and a video depicting bondage costumes and themes in a performance (65,000 views)¹⁸.

91. “CNC” stands for “consensual non-consent,” a form of sexual behavior in which the participants agree to engage in sexual activity that would otherwise appear to be rape. Both “CNC” and “consensual non-consent” are searchable terms on TikTok. Videos available on TikTok about these terms include a video describing CNC as the evolution of a choking fetish (3.8 million views)¹⁹; a video posting an excerpt of explicit text that includes descriptions of a CNC

¹² theadultscorner (@theadultscorner), TIKTOK (Mar. 26, 2022), <https://bit.ly/3OYPTJT>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

¹³ oLiViA (@_pig_benis_), TIKTOK (Apr. 30, 2021), <https://bit.ly/3H6OCi8>.

¹⁴ Anna (@ya_annannasik), TIKTOK (July 4, 2022), <https://bit.ly/3Hf9FPk>.

¹⁵ Chloe Lebacq (@spicychloebaby), TIKTOK (Jan. 18, 2021), <https://bit.ly/3UuKqM5>.

¹⁶ Kirizal (@kirizalneha), TIKTOK (Aug. 7, 2022), <https://bit.ly/3Up1XFn>.

¹⁷ Havoc Rayne (@havoc_rayne), TIKTOK (Dec. 1, 2021), <https://bit.ly/3F17yfh>.

¹⁸ Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Nov. 23, 2021), <https://bit.ly/3XUGw24>.

¹⁹ Wednesday (@gothyghoull), TIKTOK (Sept. 16, 2022), <https://bit.ly/3BykybJ>.

sex scene (2.4 million views)²⁰; and a user describing CNC and telling viewers to go “have fun” (876,700 views).²¹ In another video, a user jokes about describing her CNC kink to “vanilla friends” (2.4 million views).²² TikTok’s Autocomplete function will also point users toward CNC content. If a user types “cnc” into the TikTok search bar, TikTok recommends the search “cnc knik,” which returns videos about CNC.

92. “Fingering” is a slang term for penetrating a woman’s vagina with fingers. On TikTok, even a 13-year old user can search for “fIngering” and view hundreds of videos about fingering, including how-to instructional guides with as many as 13 million views.

93. “Twerking” is a sexually provocative dance move that involves squatting and hip thrusting. The TikTok platform allows twerking videos, including twerking while wearing thong underwear, leaving all or nearly all of the buttocks exposed. One twerking video has 5.6 million views.²³ The “baddiesonly” hashtag returns numerous twerking videos with millions of views and likes. Twerking videos are also sometimes an invitation to viewers to find the posting user on other pornographic platforms. “Only Fans” is a pornographic social media platform where users can pay a fee to subscribe to accounts that post pornographic material. While TikTok bans direct links to Only Fans, many TikTok users circumvent this ban by providing their Instagram username instead. Instagram allows direct Only Fans links in user profiles, so a TikTok user can use the Instagram username to find a direct Only Fans link. One TikTok video has over 15 million views and includes the user’s Instagram name; the same user’s Instagram page provides a link to the user’s Only Fans page. *See Exhibit 41.*²⁴ Another TikTok video has 1.1 million views, and in the user’s TikTok

²⁰ thebluntweirdo (@TheBluntWeirdo), TIKTOK (Apr. 2, 2022), <https://bit.ly/3iwp61F>.

²¹ M I S S M (@kink.outspoken), TIKTOK (June 25, 2022), <https://bit.ly/3UvIjrd>. This video is not available in Restricted Mode but is visible when Restricted Mode is turned off.

²² M I S S M (@kink.outspoken), TIKTOK (June 23, 2022), <https://bit.ly/3Y1MCxt>.

²³ FRESA (@_fre.sa), TIKTOK (Aug. 8, 2022), <https://bit.ly/3UG4bAA>.

²⁴ LA CHINITA (@yen_lachinita), TikTok (Aug. 17, 2022), <https://bit.ly/3Fr5uP7>.

profile, the user provides his OnlyFans account name. In the video, the user also provides his Instagram username, and his Instagram profile contains a direct link to his OnlyFans account.²⁵

94. Other readily accessible videos glorify sexual bondage imagery,²⁶(1.5 million views); glorify sexual kinks that include “forced submission” and “pain” (biting, scratching, etc.) (2.2 million views)²⁷; and provide instructions for tying a pentagram-shaped harness for sexual rope play (997,000 views).²⁸ A video with 25.5 million views purports to show wet stains across a bed and curtains after the TikTok user “squirt[ed]” after using a “vibrator.”²⁹

95. A video with 1.7 million views advocates using butt plugs to prevent a man from “staring” at a woman’s “a55” (meaning “ass”) during “doggy” (meaning doggy-style sex). Butt plugs are a sex toy designed to be inserted into the rectum.

96. A video with 3.3 million views shows 58 seconds of close-up open-mouth kissing between two people, including biting and tongue-sucking.³⁰

97. Some TikTok videos appear to feature minors engaged in sexually suggestive dances. One video with 104,000 views shows apparent minors twerking; another with 20,000 views purports to show a 16-year-old twerking on a bed³¹; and another video with 32,000 views shows an entire dance sequence from the Netflix film, *Cuties*, which is about underage girls learning to dance provocatively and performing a sexually suggestive dance on stage³².

²⁵ itstemplo (@itstemplo), TikTok (July 2, 2021), <https://bit.ly/3Y1NP7Z>.

²⁶ theofficialtro (@TheOfficialTRO), TikTok (Dec. 20, 2021), <https://bit.ly/3P1dBFj>.

²⁷ Maggie (@https.maggiesh), TikTok (June 28, 2021), <https://bit.ly/3ur3dNW>.

²⁸ blackglovedom (@BlackGloveDom), TikTok (June 6, 2021), <https://bit.ly/3UwAG3Z>.

²⁹ Tik Toker (@mauricoolguy2), TikTok (June 23, 2021), <https://bit.ly/3P5Q2v5>.

³⁰ luna Gomez (@lesbianaskiss), TikTok (Aug. 31, 2021), <https://bit.ly/3irxj0L>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

³¹ dababyhay’s simp (@pimpforsimps), TikTok (2020), <https://bit.ly/3P51qYo>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

³² user473792 (@doobiedukesims), TIKTOK (2020), <https://bit.ly/3OZCr8L>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

98. Recent reporting by Forbes magazine even demonstrates that *child sexual abuse material* (also known as “child pornography”) is available and promoted on TikTok. While TikTok purports to remove such content when it is posted for other users to see on TikTok, some accounts get around this removal by posting child sexual abuse material “privately” so that only the account user can see the material. These same accounts then *share* their login credentials so other users can log in to the private accounts and view the material. These accounts often require individuals who use the account credentials to contribute to the “private” cache of child sexual abuse material, and this can include kids under 18 contributing images of *themselves* after being groomed or enticed by the account owners.³³

99. TikTok could eliminate this illicit behavior by: using artificial intelligence to monitor and remove child sexual abuse material even among private posts; requiring two-factor authentication for private accounts; or eliminating multiple simultaneous sign-ins to the same account. Instead, the Forbes report details how TikTok has allowed some of these videos to remain on the platform *even after being alerted to them*. TikTok users are also able to circulate account credentials to these “private” accounts using hashtags and descriptions that refer to “posting in private.” TikTok could eliminate those hashtags and phrases or render them unsearchable, but TikTok has not done so.³⁴ This is a further example of egregious sexual content that is available on TikTok, contrary to its representations to the public and at great risk to young people in Indiana.

100. Wattpad is a separate platform on which users post their literary works, many of which are sexual in nature. Many excerpts from Wattpad are published on TikTok as TikTok

³³ Alexandra S. Levine, *These TikTok Accounts Are Hiding Child Sexual Abuse Material In Plain Sight*, FORBES (Nov. 14, 2022), <https://bit.ly/3uoOfI3>.

³⁴ *Id.*

videos showing just text set to music. Searching for “Wattpad” on TikTok returns thousands of these videos which contain explicit sexual writing.

101. One of the top 5 most-followed TikTok users, Addison Rae, has posted a video of herself dancing to a song called “We Not Humping” with the following lyrics: “Ooh, he coming off way to pushy/I hope he don’t think he was getting this pussy/Aw, he like his bitches psychotic/Sit on his face and explain why I’m toxic, uh/How you talk shit but ain’t backing it up/Your pussy wack, send it back to the club.”³⁵ The video has 15.4 million views.³⁶ Over 500,000 other TikTok videos have been made by users and set to the same music. Top user Charli D’Amelio’s dance set to the same music has 37.6 million views³⁷. Another user, Camila Mendes, has danced to the same lyrics, and her video has 36.4 million views.³⁸ Loren Grey performs the dance in a thong bikini in a video with 5.6 million views.³⁹

102. Another viral TikTok dance challenge featured users mimicking the rap artist, Cardi B, and her music video dance to her song “WAP,” which stands for “wet ass pussy.” Addison Rae’s WAP dance challenge video has 312.9 million views.⁴⁰ Another user’s WAP dance has 3.7 million views and features the user wearing fishnet stockings and a short skirt.⁴¹ The WAP dance includes floor-humping and all-fours twerking.

103. Top TikTok user Charli d’Amelio has a video with 57.8 million views in which she dances to a song titled “Super Freaky Girl.”⁴² The lyrics include: “F-R-E-A-K/I’m a movie, I

³⁵ Addison (@addisonre), TIKTOK (May 10, 2022), <https://bit.ly/3Fs9cYT>.

³⁶ *Id.*

³⁷ charli d’amelio (@charlidamelio), TIKTOK (May 13, 2022), <https://bit.ly/3urdI3O>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

³⁸ camila mendes (@camimendes), TIKTOK (May 27, 2022), <https://bit.ly/3Hh3pa9>.

³⁹ Loren Gray (@lorengray), TIKTOK (May 13, 2022), <https://bit.ly/3H6wYuS>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

⁴⁰ Addison (@addisonre), TIKTOK (Aug. 22, 2020), <https://bit.ly/3Fs0vxE>.

⁴¹ Dynamikduoo (@dynamikduoo), TIKTOK (Oct. 9, 2020), <https://bit.ly/3Bd0QSt>.

⁴² charli d’amelio (@charlidamelio), TIKTOK (Sept. 25, 2022), <https://bit.ly/3OZhniE>.

should be on replay/I'm tryna F-U-C-K/He got pictures of my titties in his briefcase/I like D-I-C-K/I like bad bitches too, she could be bae/Ass fat to the max like TJ/BJ while he speedin' on the freeway.”

104. Vulgar songs are commonplace on TikTok. In a video with 4.2 million views, a user molds clay on a pottery wheel in the shape of a penis while the song “Fucked by a Cowboy” is playing.⁴³ The lyrics are: “Have you ever been fucked, fucked, fucked by a cowboy/Rammed, rammed, rammed by a redneck/Spread, spread, spread by an inbred/Who's kind of got your daddy's voice/If you've never been licked by a hick with a hillbilly dick/Or got a rash on your stash from some trailer trash/Then girl you need to get fucked by a country boy.”

105. Another song, “She's So Nice” by Pink Guy, contains the following lyrics: “She's so nice/She's so nice/She's so nice/Yeah, treat her like a bitch/I fuck her in the ass and I fuck her in the tits/If she can handle that then I'll let her suck my dick/And her man is coming back so I better make it quick/You know who you are you piece of shit/So next time you go down on her clit/Tell me how my dick tastes/Tell me how my motherfucking dick tastes!/But she's so nice/But she's so nice.” This song has been the center of viral dance trends in the past, and some recent TikTok videos reenact the old dance trend.⁴⁴ TikTok makes vulgar and explicit songs including (but not limited to) We Not Humping, WAP, Fucked by a Cowboy, and She's So Nice available to users to use when creating and posting their own videos. TikTok has the ability to exclude vulgar and explicit songs or lyrics from its music library but chooses not to. These songs and many others available to TikTok users carry explicit lyric warning labels in Apple Music and other online music retailers.

⁴³ iruru (@amberiruru), TikTok (Oct. 1, 2022), <https://bit.ly/3BaOWIF>.

⁴⁴ peach pottery (@peachmangojuice777), TikTok (Apr. 5, 2022), <https://bit.ly/3Bz5EC3>; Julie (@deadlyxxlove), TikTok (Aug. 21, 2021), <https://bit.ly/3P1XsiW>.

106. The videos set to music with explicit lyrics as described above are readily accessible to all users on TikTok.

107. For example, when logged in as a 13-year-old user in Restricted Mode, TikTok's algorithm offered a video set to the music "Fuck Off" in the For You page. The video has 3.8 million views.⁴⁵ The lyrics to "Fuck Off" include: "This is for anybody who needs tell somebody to fuck off/Go fuck yourself/Suck a bag of dicks/Eat a big ole pile of shit/wash it down with camel piss/You stupid bitch/Lick my tits/Polish all my naughty bits/Kiss my fanny/Tell your granny she got shitty grandkids/Pull my finger/Smell my butt/Sit and spin buttercup/Tell your mumma and your daddy they can lick my fucking nuts/Cuddle up to my balls and wash my dirty draws/I have fucking had enough so I'm telling you to go fuck off!/Fuck off!" *Id.* The song "Fuck Off" has been used to create over 19,000 videos on TikTok.

108. Searching for "clic" on TikTok offers "clicc claccc" as a search suggestion, and the results generally are videos set to a song with the following lyrics: "I fucked her so good/She turned around/And she thought I had two cocks/clicc claccc/ratatat/.223s through your back."

109. As the content of these videos, the number of them, and their total views demonstrate, "Sexual Content or Nudity" and "Mature/Suggestive Themes" are neither infrequent nor mild on TikTok. Nor is TikTok appropriate for users "12+."

110. Not only is content of this nature available to young users on TikTok, but TikTok actually *recommends* searches that return sexual and suggestive content to users through its Autocomplete feature. Autocomplete suggests search terms to users when they begin typing into TikTok's search bar.

⁴⁵ Queenlock1989 (@queenlock1989_), TIKTOK (Sept. 8, 2022), <https://bit.ly/3uoZdgT>.

111. If a user types “spi,” TikTok will recommend “spiceytok,” a search that returns thousands of sex-related videos.

112. If a user types “ki,” TikTok will recommend “kintiktok,” a search that returns thousands of videos about sexual kinks, including bondage, sadomasochism, consensual non-consent, and forced breeding kinks.

113. If a user types only the letter “b,” TikTok will recommend Typing only the letter “b” into the search bar offers “BADDIESONLY,” a search that returns thousands of videos of women “twerking” and men taking body shots off bikini-clad women, many of which have millions of views.

114. Additionally, the songs We Not Humping, WAP, Fucked by a Cowboy, She’s So Nice, Fuck Off, clicc claccc, and many others, contain profanity, including some of the most profane words in the English language, like “fuck” and “clit,” even though TikTok also self-reports in the App Store that the TikTok platform contains “Infrequent/Mild” “Profanity or Crude Humor.” Virtually every video cited as an exhibit throughout this complaint contains profanity of some kind, and the For You page of a 13-year-old user in Restricted Mode will algorithmically recommend many videos in a row, all of which contain extreme profanity.

115. TikTok does not restrict the availability of music with explicit lyrics on the TikTok platform, and videos set to music with explicit lyrics on the TikTok platform have billions of views. This includes billions of views for videos set to music with the *most* profane words in the English language.

116. As a result, TikTok’s self-reporting to the App Store that “Profanity or Crude Humor” on the TikTok platform is “Infrequent Mild” is patently false.

117. TikTok is aware that its self-reporting about the frequency and nature of “Profanity or Crude Humor” allows it to falsely claim a 12+ rating for its App in the App Store and TikTok intends to claim that rating falsely. TikTok is also aware and intends for its false self-reporting to cause consumers to see a description in the TikTok App Store page which states “Infrequent/Mild Profanity or Crude Humor,” even though that representation is false.

118. TikTok also falsely claims a “T” for “Teen” rating in both the Google Play and Microsoft stores, when TikTok’s app in fact *does not* meet the content standards defined for apps rated “T” for “Teen” in those stores.

119. These misrepresentations about the frequency and nature of “Profanity or Crude Humor” on TikTok are unfair and deceptive to Indiana consumers.

The Content on TikTok Is Not Consistent With the App Store Representations TikTok Makes Related to “Sexual Content or Nudity” and “Mature/Suggestive Themes”

120. In light of the abundant sexual content, nudity, and mature/suggestive themes on TikTok, and because much of that content is intense in nature, TikTok’s self-reported age-rating answers in the App Store are unfair and deceptive to Indiana consumers. Yet TikTok intentionally falsely reports the frequency of sexual content, nudity, and mature/suggestive themes on the TikTok platform to the App Store because TikTok wants to keep and increase young users’ engagement with the TikTok platform.

121. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

122. Nonetheless, TikTok is aware that its platform does not prevent minor users from accessing the full range of content available on the platform. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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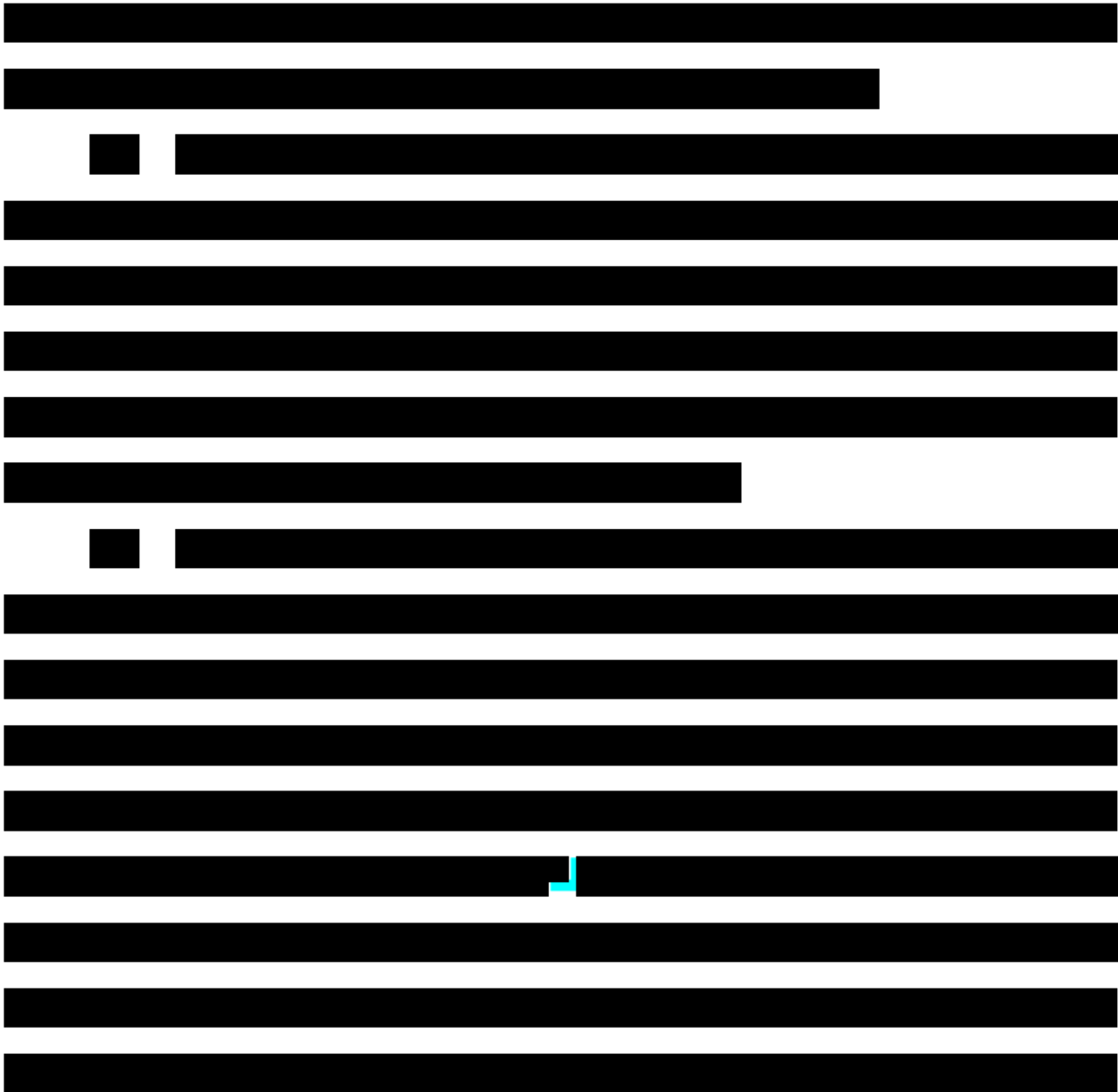
[REDACTED]

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[REDACTED]

[REDACTED]



⁴⁶ TikTok users have the option to “set” their accounts to “public” or “private.” According to TikTok:

If you have a private account, only people you approve can follow you, view your videos, LIVE videos, bio, likes as well as your following and followers lists. With a private account, other people won’t be able to Duet, Stitch, or download your videos.

If you have a public account, your profile and videos will be visible to anyone on or off TikTok. Depending on your Privacy Settings, other people may also be able to Duet, Stitch and download your videos.

Choosing between a private or public account, TIKTOK (last visited Dec. 5, 2022), <https://bit.ly/3XW2cL7>.

[REDACTED]

[REDACTED]

TikTok Does Not Generally Restrict the Content Available to Minors Even Though It Is Aware That the Platform Contains (and TikTok Has Identified) Material Inappropriate for Minors

132. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

133. In July 2022, TikTok started automatically restricting some videos so that young users cannot view them even when not in Restricted Mode. In practice, this function restricts virtually nothing from being visible to young users. For example, a video in which a man and woman joke about the woman pegging the man with a cucumber is not visible to a 13-year-old user even with Restricted Mode turned off.⁴⁷ But the same TikTok account has another video in which they joke about the man inserting a cucumber into his own anus, and that video is visible to a 13-year-old user even with Restricted Mode enabled, and that video has 2.2 million views.⁴⁸

134. Yet TikTok also knows that a significant amount of content exists on the TikTok platform that is not suitable for young users. [REDACTED]

[REDACTED]

[REDACTED]

⁴⁷ Keeno & Liz (@keenoandliz), TIKTOK (Dec. 24, 2021), <https://bit.ly/3gZNqIR>.
⁴⁸ Keeno & Liz (@keenoandliz), TIKTOK (Jan. 2, 2022), <https://bit.ly/3F7tB3Y>.

whether its Content Classification system will be used to automatically restrict content available to young users in the United States.

Restricted Mode Misleads and Deceives Consumers

138. TikTok’s creation and promotion of Restricted Mode also misleads and deceives consumers.

139. TikTok describes Restricted Mode to parents like this: “If you’d like to limit content more quickly with a broader brush stroke, you can enable Restricted Mode. Restricted Mode is an option at the account settings level that limits the appearance of content that may not be appropriate for all audiences.”

140. In fact, Restricted Mode does virtually nothing to limit offensive content that is inappropriate for users ages 13-17. Searching for “p3gg1ing tutorial” with Restricted Mode turned *on* offers search results no less vulgar and sexual than searching for “p3gg1ing tutorial” with Restricted Mode turned *off*.

141. Scrolling a 13-year-old user’s For You page with Restricted Mode turned *on* is not meaningfully different in terms of vulgar and profane content than scrolling the same 13-year-old user’s For You page with Restricted Mode turned *off*. Scrolling the same user’s For You page with Restricted Mode turned *on* also reveals sexual and profane videos being recommended one after another, even on different days and different sessions using the TikTok app.

142. Even within a single user’s profile, one video might be blocked from users in Restricted Mode,⁴⁹ while numerous other videos from the same user are permitted in Restricted Mode even though they are equally sexual.⁵⁰

⁴⁹Guilherme Ambrosio (@gui_ambrosio), TIKTOK (June 12, 2022),<https://bit.ly/3He3yLk>.

⁵⁰Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Jan. 17, 2022), <https://bit.ly/3VJcvjK>; Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Apr. 18, 2022), <https://bit.ly/3ugYvIL>; Brianna Leigh (@veganbrianna), TIKTOK (Aug. 24, 2021), <https://bit.ly/3H1ELKp>.

143. Indiana parents who have enabled Restricted Mode for their children are being misled and deceived by TikTok about the effectiveness of that setting for restricting inappropriate content being made available to young users. In reality, Restricted Mode does virtually nothing to block inappropriate content from being visible (or even promoted by TikTok’s algorithm) to users.

TikTok Also Misleads Indiana Consumers Through Its Community Guidelines

144. TikTok has misled and continues to mislead consumers in other ways, too.

145. TikTok’s Community Guidelines “establish a set of norms and common code of conduct that provide for a safe and welcoming space for everyone.”⁵¹ TikTok says that “[o]ur Community Guidelines apply to everyone and everything on TikTok.”⁵² TikTok claims to “proactively enforce” the Community Guidelines “using a mix of technology and human moderation.”⁵³

146. In fact, internal TikTok recordings obtained by Forbes magazine indicate that TikTok has operated special content moderation queues for TikTok users with more than 5 million followers.⁵⁴ These queues were designed to implement the Community Guidelines more leniently than they would otherwise be implemented. *Id.* In one recording, a member of TikTok’s “Trust and Safety Team” is heard describing the more-lenient content moderation queue as follows: “If Addison Rae shows a little bit of a thong, they might mark that, whereas we might be a little more lenient.” *Id.* Addison Rae is one of TikTok most-followed users, with 88 million followers. *Id.*

147. TikTok gives consumers the clear impression that content that violates the Community Guidelines is simply not available on the platform. For example, TikTok says that

⁵¹ *Community Guidelines*, Introduction, TIKTOK (last updated Oct. 2022), <https://bit.ly/3Hc5jsl>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Emily Baker-White, *How TikTok Has Bent Its Rules for Its Top Creators*, FORBES (Sept. 20, 2022), <https://bit.ly/3UzIVwe>.

“[w]e will remove any content—including video, audio, livestream, images, comments, likes, or other text—that violates our Community Guidelines.”⁵⁵

148. TikTok tells consumers that “[w]e do not allow the depiction, promotion, or trade of drugs or other controlled substances,” on TikTok, and that “[t]he trade of tobacco and alcohol products is also prohibited on the platform.”⁵⁶ In describing that policy, TikTok further tells users “[d]o not post, upload, stream, or share” “[c]ontent that depicts or promotes drugs, drug consumption, or encourages others to make, use, or trade drugs or other controlled substances.”⁵⁷ Similarly, TikTok tells users “[d]o not post, upload, stream, or share” “[c]ontent that depicts or promotes the misuse of legal substances, or instruction on how to make homemade substances, in an effort to become intoxicated.”⁵⁸

149. As described above, however, the TikTok platform contains abundant content about drug use, including content that depicts and promotes drug use and consumption or that encourages others to use drugs.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁵⁵ *Id.*

⁵⁶ *Community Guidelines, Drugs controlled substances, alcohol, and tobacco, TIKTOK* (last updated Oct. 2022), <https://bit.ly/3Hc5jsl>.

⁵⁷ *Id.*

⁵⁸ *Id.*

[REDACTED]

153. TikTok’s Community Guidelines also state that: “We do not allow nudity, pornography, or sexually explicit content on our platform.” The Community Guidelines further state that: “Nudity and sexual activity include content that is overtly revealing of breasts, genitals, anus, or buttocks, or behaviors that mimic, imply, or display sex acts” and that TikTok does “not allow depictions, including digitally created or manipulated content, of nudity or sexual activity.”

154. In fact, nudity and sexually explicit content are rampant on TikTok’s platform, and TikTok is actively misleading and deceiving Indiana consumers by telling them otherwise through TikTok’s Community Guidelines.

155. TikTok has also issued other public statements that have misled Indiana consumers about the safety of the TikTok platform for young users, particularly as relates to alcohol, tobacco, and drug content.

156. [REDACTED]

[REDACTED]

157. Those statements are unfair and deceptive to Indiana consumers, especially parents, who are entitled to know the truth about alcohol, tobacco, and drug content on the TikTok platform.

CLAIMS

COUNT I

**Indiana Deceptive Consumer Sales Act,
IND. CODE § 24-5-0.5, et seq.**

Alcohol, Tobacco, and Drug References

158. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

159. Indiana’s Deceptive Consumer Sales Act provides that a “supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). The prohibited “act[s], omission[s], or practice[s]” “include[] both implicit and explicit misrepresentations.” *Id.*

160. TikTok is a “supplier . . . who regularly engages in or solicits consumer transactions” in the state of Indiana, IND. CODE § 24-5-0.5-2(a)(3)(A), through the “sale . . . or other disposition of . . . a service, or an intangible” to “a person for purposes that are primarily

personal, familial, charitable, agricultural, or household, or a solicitation to supply any of these things.” *Id.* § 24-5-0.5-2(a)(1).

161. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). TikTok’s method of violating § 24-5-0.5-3(a) includes, but is not limited to, a violation of IND. CODE § 24-5-0.5-3(b), which provides that a deceptive act includes “representations ... made ... by electronic communication ... [t]hat [the] subject of a consumer transaction has ... characteristics ... it does not have which the supplier knows or should reasonably know it does not have.”

162. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by self-reporting false information to the App Store to obtain a “12+” rating for the TikTok application. TikTok knows that the information it falsely self-reports to the App Store has been and continues to be reported directly to consumers.

163. In particular, TikTok has falsely reported to the App Store that the TikTok application contains “none” or only “infrequent/mild” “Alcohol, Tobacco, or Drug Use or References,” when such content is actually abundant on the TikTok platform and is neither “infrequent” nor “mild” in nature.

164. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by selecting a “12+” rating in the App Store even though the App Store offers TikTok Inc. the ability to self-select the appropriate rating of “17+.”

165. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

166. TikTok has and is further engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” *id.*, because it informs consumers about its Community Guidelines and gives consumers the clear impression that those guidelines are rigorously enforced, when in fact, TikTok is aware that significant “leakage” exists of content that violates those guidelines, and in some cases, TikTok does not act at all to enforce its guidelines as written.

167. TikTok has and is also engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” *id.*, by making public statements that overstate the safety of the TikTok application for young users, particularly as relates to the abundant alcohol, tobacco, and drug content on the platform.

168. These practices are unfair, abusive and deceptive to Indiana consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children’s App Store activities).

169. TikTok has engaged in these actions knowingly because any reasonably prudent person would know that TikTok’s false self-reporting to the App Store, its false statements in the Community Guidelines, and its false public statements would violate Indiana’s prohibition on unfair, abusive and deceptive acts or practices perpetrated on consumers. The Attorney General is entitled to a preliminary and permanent injunction prohibiting TikTok from continuing to make misrepresentations about the content of its app to Indiana consumers.

170. Indiana is entitled to a civil penalty not to exceed \$5,000 for each violation of Indiana’s Deceptive Consumer Sales Act, in accord with IND. CODE § 24-5-0.5-4(g).

171. TikTok committed the acts alleged in this Complaint as part of a scheme, artifice, or device with intent to defraud or mislead, and therefore committed incurable deceptive acts. Indiana is entitled to a civil penalty not to exceed \$500 for each incurable deceptive act committed by TikTok. IND. CODE § 24-5-0.5-8.

COUNT II

Indiana Deceptive Consumer Sales Act, IND. CODE § 24-5-0.5, *et seq.*

Sexual Content, Nudity, and Mature/Suggestive Themes

172. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

173. Indiana’s Deceptive Consumer Sales Act provides that a “supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). The prohibited “act[s], omission[s], or practice[s]” “include[] both implicit and explicit misrepresentations.” *Id.*

174. TikTok is a “supplier . . . who regularly engages in or solicits consumer transactions” in the state of Indiana, IND. CODE § 24-5-0.5-2(a)(3)(A), through the “sale . . . or other disposition of . . . a service, or an intangible” to “a person for purposes that are primarily personal, familial, charitable, agricultural, or household, or a solicitation to supply any of these things.” *Id.* § 24-5-0.5-2(a)(1).

175. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). TikTok’s method of violating § 24-5-0.5-3(a) includes, but is not limited to, a violation of IND. CODE § 24-5-0.5-3(b), which

provides that a deceptive act includes “representations ... made ... by electronic communication ... [t]hat [the] subject of a consumer transaction has ... characteristics ... it does not have which the supplier knows or should reasonably know it does not have.”

176. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by self-reporting false information to the App Store to obtain a “12+” rating for the TikTok application. TikTok knows that the information it falsely self-reports to the App Store has been and continues to be reported directly to consumers.

177. In particular, TikTok has falsely reported to the App Store that the TikTok application contains only “infrequent/mild” “Sexual Content or Nudity” and “Mature/Suggestive Themes” when such content is actually abundant on the TikTok platform and is neither “infrequent” nor “mild” in nature.

178. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by selecting a “12+” rating in the App Store even though the App Store offers TikTok Inc. the ability to self-select the appropriate rating of “17+.”

179. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

180. These practices are unfair, abusive and deceptive to Indiana consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children’s App Store activities).

181. TikTok has and is engaged in these actions knowingly because any reasonably prudent person would know that TikTok's false self-reporting to the App Store, its false statements in the Community Guidelines, and its false public statements would violate Indiana's prohibition on unfair, abusive and deceptive acts or practices perpetrated on consumers.

182. The Attorney General is entitled to a preliminary and permanent injunction prohibiting TikTok from continuing to make misrepresentations about the content of its app to Indiana consumers.

183. Indiana is entitled to a civil penalty not to exceed \$5,000 for each violation of Indiana's Deceptive Consumer Sales Act, in accord with IND. CODE § 24-5-0.5-4(g).

184. TikTok committed the acts alleged in this Complaint as part of a scheme, artifice, or device with intent to defraud or mislead, and therefore committed incurable deceptive acts. Indiana is entitled to a civil penalty not to exceed \$500 for each incurable deceptive act committed by TikTok. IND. CODE § 24-5-0.5-8.

COUNT III

Indiana Deceptive Consumer Sales Act, IND. CODE § 24-5-0.5, *et seq.*

Profanity or Crude Humor

185. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

186. Indiana's Deceptive Consumer Sales Act provides that a "supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction." IND. CODE § 24-5-0.5-3(a). The prohibited "act[s], omission[s], or practice[s]" "include[] both implicit and explicit misrepresentations." *Id.*

187. TikTok is a “supplier . . . who regularly engages in or solicits consumer transactions” in the state of Indiana, IND. CODE § 24-5-0.5-2(a)(3)(A), through the “sale . . . or other disposition of . . . a service, or an intangible” to “a person for purposes that are primarily personal, familial, charitable, agricultural, or household, or a solicitation to supply any of these things.” *Id.* § 24-5-0.5-2(a)(1).

188. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). TikTok’s method of violating § 24-5-0.5-3(a) includes, but is not limited to, a violation of IND. CODE § 24-5-0.5-3(b), which provides that a deceptive act includes “representations . . . made . . . by electronic communication . . . [t]hat [the] subject of a consumer transaction has . . . characteristics . . . it does not have which the supplier knows or should reasonably know it does not have.”

189. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by self-reporting false information to the App Store to obtain a “12+” rating for the TikTok application. TikTok knows that the information it falsely self-reports to the App Store has been and continues to be reported directly to consumers.

190. In particular, TikTok has falsely reported to the App Store that the TikTok application contains only “infrequent/mild” “Profanity or Crude Humor” when such content is actually abundant on the TikTok platform and is neither “infrequent” nor “mild” in nature.

191. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by selecting a “12+” rating in the App Store even though the App Store offers TikTok Inc. the ability to self-select the appropriate rating of “17+.”

192. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

193. These practices are unfair, abusive and deceptive to Indiana consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children’s App Store activities).

194. TikTok has engaged in these actions knowingly because any reasonably prudent person would know that TikTok’s false self-reporting to the App Store, its false statements in the Community Guidelines, and its false public statements would violate Indiana’s prohibition on unfair, abusive and deceptive acts or practices perpetrated on consumers.

195. The Attorney General is entitled to a preliminary and permanent injunction prohibiting TikTok from continuing to make misrepresentations about the content of its app to Indiana consumers.

196. Indiana is entitled to a civil penalty not to exceed \$5,000 for each violation of Indiana’s Deceptive Consumer Sales Act, in accord with IND. CODE § 24-5-0.5-4(g).

197. TikTok committed the acts alleged in this Complaint as part of a scheme, artifice, or device with intent to defraud or mislead, and therefore committed incurable deceptive acts. Indiana is entitled to a civil penalty not to exceed \$500 for each incurable deceptive act committed by TikTok. IND. CODE § 24-5-0.5-8.

COUNT IV

Indiana Deceptive Consumer Sales Act, IND. CODE § 24-5-0.5, *et seq.*

Cumulative Misrepresentations

198. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

199. Indiana’s Deceptive Consumer Sales Act provides that a “supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). The prohibited “act[s], omission[s], or practice[s]” “include[] both implicit and explicit misrepresentations.” *Id.*

200. TikTok is a “supplier . . . who regularly engages in or solicits consumer transactions” in the state of Indiana, IND. CODE § 24-5-0.5-2(a)(3)(A), through the “sale . . . or other disposition of . . . a service, or an intangible” to “a person for purposes that are primarily personal, familial, charitable, agricultural, or household, or a solicitation to supply any of these things.” *Id.* § 24-5-0.5-2(a)(1).

201. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). TikTok’s method of violating § 24-5-0.5-3(a) includes, but is not limited to, a violation of IND. CODE § 24-5-0.5-3(b), which provides that a deceptive act includes “representations . . . made . . . by electronic communication . . . [t]hat [the] subject of a consumer transaction has . . . characteristics . . . it does not have which the supplier knows or should reasonably know it does not have.”

202. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by self-reporting false information to the App Store to obtain a “12+” rating for the TikTok application. TikTok knows

that the information it falsely self-reports to the App Store has been and continues to be reported directly to consumers.

203. In particular, TikTok has falsely reported to the App Store that the TikTok application contains only “infrequent/mild” “Alcohol, Tobacco, and Drug Content,” “Sexual Content and Nudity,” “Suggestive and Mature Themes,” and “Profanity or Crude Humor” when such content is actually abundant on the TikTok platform and is neither “infrequent” nor “mild” in nature. Each of these misrepresentations is unfair and deceptive to Indiana consumers standing alone and *also* cumulatively.

204. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by selecting a “12+” rating in the App Store even though the App Store offers TikTok Inc. the ability to self-select the appropriate rating of “17+.”

205. TikTok has and is engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores, and these misrepresentations are also unfair and deceptive to Indiana consumers when viewed cumulatively.

206. These practices are unfair and deceptive to Indiana consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children’s App Store activities).

207. TikTok has engaged in these actions knowingly because any reasonably prudent person would know that TikTok’s false self-reporting to the App Store, its false statements in the Community Guidelines, and its false public statements would violate Indiana’s prohibition on unfair, abusive, and deceptive acts or practices perpetrated on consumers.

208. The Attorney General is entitled to a preliminary and permanent injunction prohibiting TikTok from continuing to make misrepresentations about the content of its app to Indiana consumers.

209. Indiana is entitled to a civil penalty not to exceed \$5,000 for each violation of Indiana’s Deceptive Consumer Sales Act, in accord with IND. CODE § 24-5-0.5-4(g).

210. TikTok committed the acts alleged in this Complaint as part of a scheme, artifice, or device with intent to defraud or mislead, and therefore committed incurable deceptive acts. Indiana is entitled to a civil penalty not to exceed \$500 for each incurable deceptive act committed by TikTok. IND. CODE § 24-5-0.5-8.

COUNT V

Indiana Deceptive Consumer Sales Act, IND. CODE § 24-5-0.5, *et seq.*

Misrepresentations About the Efficacy of Restricted Mode

211. Plaintiff repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

212. Indiana’s Deceptive Consumer Sales Act provides that a “supplier may not commit an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). The prohibited “act[s], omission[s], or practice[s]” “include[] both implicit and explicit misrepresentations.” *Id.*

213. TikTok is a “supplier . . . who regularly engages in or solicits consumer transactions” in the state of Indiana, IND. CODE § 24-5-0.5-2(a)(3)(A), through the “sale . . . or other disposition of . . . a service, or an intangible” to “a person for purposes that are primarily personal, familial, charitable, agricultural, or household, or a solicitation to supply any of these things.” *Id.* § 24-5-0.5-2(a)(1).

214. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction.” IND. CODE § 24-5-0.5-3(a). TikTok’s method of violating § 24-5-0.5-3(a) includes, but is not limited to, a violation of IND. CODE § 24-5-0.5-3(b), which provides that a deceptive act includes “representations ... made ... by electronic communication ... [t]hat [the] subject of a consumer transaction has ... characteristics ... it does not have which the supplier knows or should reasonably know it does not have.”

215. TikTok has engaged in “unfair, abusive, or deceptive act[s] or practice[s] in connection with a consumer transaction,” IND. CODE § 24-5-0.5-3(a), by offering and promoting “Restricted Mode” to consumers as a way to limit inappropriate content in the TikTok app.

216. TikTok describes Restricted Mode as follows: “If you’d like to limit content more quickly with a broader brush stroke, you can enable Restricted Mode. Restricted Mode is an option at the account settings level that limits the appearance of content that may not be appropriate for all audiences.”

217. In fact, Restricted Mode restricts virtually no content available on TikTok and makes offensive and inappropriate content widely available to users with Restricted Mode enabled, including in search results in and in the algorithmically-driven For You page.

218. TikTok’s representations about Restricted Mode are unfair, abusive and deceptive to Indiana consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application.

219. TikTok has engaged in these actions knowingly because any reasonably prudent person with TikTok’s knowledge would understand that Restricted Mode does not protect users from offensive and inappropriate content on the TikTok app.

220. The Attorney General is entitled to a preliminary and permanent injunction prohibiting TikTok from continuing to make misrepresentations about Restricted Mode to Indiana consumers.

221. Indiana is entitled to a civil penalty not to exceed \$5,000 for each violation of Indiana's Deceptive Consumer Sales Act, in accord with IND. CODE § 24-5-0.5-4(g).

222. TikTok committed the acts alleged in this Complaint as part of a scheme, artifice, or device with intent to defraud or mislead, and therefore committed incurable deceptive acts. Indiana is entitled to a civil penalty not to exceed \$500 for each incurable deceptive act committed by TikTok. IND. CODE § 24-5-0.5-8.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants for each of the causes of action raised herein. Plaintiff respectfully requests that the Court enter judgment in its favor and that the Court:

A. Declare that TikTok's actions are unfair, abusive, and deceptive to Indiana consumers under IND. CODE § 24-5-0.5, *et seq*;

B. Preliminarily and permanently enjoin Defendants from continuing to treat Indiana consumers unfairly and deceptively in the ways described in these allegations;

C. Award Plaintiff a civil penalty of not more than five thousand dollars per each violation of Indiana's Deceptive Consumer Sales Act, in accord with IND. CODE § 24-5-0.5-4(g);

D. Award Plaintiff a civil penalty of not more than five hundred dollars for each violation of Indiana's Deceptive Consumer Sales Act prohibiting "incurable" deceptive acts and practices, in accord with IND. CODE § 24-5-0.5-4(g);

E. Award Plaintiff the costs incurred in pursuing this action, including reasonable attorneys' fees, reasonable and necessary costs of the suit, and prejudgment and post-judgment interest at the highest lawful rates;

F. Plaintiff demands a jury trial; and

G. Grant such other and further relief as this Court deems just and appropriate.

Date: December 7, 2022

Respectfully submitted,

/s/ Scott L. Barnhart

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*Applications for admission *pro hac vice*
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