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IN THE SUPERIOR COURT OF ALLEN COUNTY

INDIANA, *Plaintiff*, v. TIKTOK INC., BYTEDANCE LTD., BYTEDANCE INC., TIKTOK PTE. LTD., *Defendants*.	Cause No. 02D02-2212-PL-000400 **PUBLIC REDACTED**

AMENDED COMPLAINT

1. This is a consumer protection action brought to redress and restrain violations of the Indiana Deceptive Consumer Sales Act ("IDCSA"), IND. CODE § 24-5-0.5, *et seq.* under which the State seeks an order for an injunction, imposing civil penalties, restitution, and other equitable relief the State is entitled to against Defendants.

2. The TikTok app is a Chinese "Trojan Horse" unleashed on unsuspecting American consumers who have been misled by the company's false, misleading, and deceptive representations about the content on its platform. Tens of millions of minors use TikTok in the United States. [redacted] In order to lure these children onto its platform or convince parents that it is appropriate for their children to download, 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 mature content that TikTok's algorithm force-feeds to them. The resulting harm to young people, and society writ large, has been devastating.

3. 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 Pte. Ltd. is the related corporate entity that nominally makes TikTok available on the Apple App Store, Google Play Store, and the Microsoft Store. ByteDance Inc. is a parent entity that earns revenue in the United States from TikTok's operations. All of these entities are owned by ByteDance Ltd., a Chinese company. Collectively, these are hereafter referred to as "TikTok."[1]

4. The TikTok application is the most-used application among young people in the United States, ages 13–17, outpacing Facebook, Instagram, and Snapchat. [redacted]

5. The TikTok algorithm promotes a variety of mature 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.

6. 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

[1] "TikTok" refers interchangeably to the collective group of Defendants and the TikTok platform/application throughout this Complaint.

[2] Many internal documents cited in this complaint are identified by a Bates number prefix. These are documents that Defendants have provided to Montana, which separately is investigating claims under its respective state law. Consistent with the confidentiality agreement governing these documents, these have been made available to Indiana for purposes of Indiana's investigation into Defendants' unlawful conduct.

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 #devious licks. 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."[3]

7. As a result of TikTok's predatory design, the platform brought in an estimated $10–12 billion in revenue in 2022 and more than $4 billion in revenue in 2021.

8. 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 the age of 14 are required to use "Youth" mode and subject to real-name authentication. Those users are limited to 40 minutes of daily use, between the hours of 6 am and 10 pm. 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.

9. 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 pushes salacious and other mature content to all young *U.S.* users age 13 and up for unlimited periods of time, day, and night, to line its pockets with billions of dollars derived from advertising directed to U.S. consumers. And it does so by misrepresenting the frequency and intensity of this content.

[3] 'It's happening': Devious Licks TikTok trend leading to vandalism at SACS schools, Wane 15 News (Sept. 16, 2021) available at 'It's happening': Devious Licks TikTok trend leading to vandalism at SACS schools | WANE 15.

10. 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 about the content that is available on the TikTok platform.

11. TikTok crafts its public messaging to emphasize the safety of young users and communicates to consumers that its app is "safe" for them, when it is not. In TikTok CEO Shou Chew's recent written testimony before the U.S. House Committee on Energy and Commerce, Chew said that: TikTok is "a leader in safety and security;" "safety—particularly for teenagers—[is] a top priority for us;" TikTok "works with leading youth safety and well-being experts;" and TikTok "automatically remove[s] or escalate[s] for human review" *all* content that "potentially" "violates our Youth Safety and Wellbeing Policy." *Written Testimony of Shou Chew, Chief Executive Officer, TikTok, Inc., Before the U.S. House Committee on Energy and Commerce*, 118th Cong., 1st Session (March 23, 2023), *available at* https://bit.ly/3JNXNnd. Chew also said that TikTok allows teens to "safely manage their experience" on the app because "TikTok provides them with age-appropriate settings and controls." He said this is TikTok's largest labor expense, with the company spending "$1 billion on trust and safety" in 2021 alone. Perhaps most damning, he claimed to be "Keeping TikTok Safe for All." *Id*. Any consumer hearing these statements and the many other safety claims from TikTok, particularly in light of the 12+ rating discussed *infra*, would think that TikTok *is* safe for young users. It is not.

12. 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. These misrepresentations are also highly relevant to the lives of young people and the risks they face. Data from the Centers for Disease Control and Prevention show that 23% of high school students have recently used alcohol, 18% have recently used electronic vapor products, 16% have recently used marijuana, and 13% have used illicit drugs (cocaine, inhalants, heroin, methamphetamines, hallucinogens, or ecstasy). *Youth Risk Behavior Survey*, CDC (2011–2021), at 30, 32, 34, and 49, https://bit.ly/3lDxaJE. This data also raises safety concerns about teens' online behavior more generally, with 16% of high school students reporting that they have been electronically bullied, including bullying on social media platforms like TikTok. *Id*.

13. 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—a deceptive age rating that inaccurately indicates to Indiana consumers that the TikTok application is safe for users 12 and older. In fact, the only justifiable 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 "give[] the app a '12+' App Store rating"—as it proudly tells the public on its website and in its "TikTok Guide for Parents", published with the National PTA—is misleading and deceptive to Indiana consumers. [redacted]

14. 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.

15. To receive a "12+" rating in the App Store, TikTok has knowingly made misleading claims about the content on its platform when submitting information to Apple as part of the process for making the TikTok application available for download on the App Store. TikTok makes these misleading claims with full knowledge that they will in turn be repeated to Indiana consumers on TikTok's App Store page. And TikTok makes these claims despite retaining full discretion to select the higher age rating of 17+ or otherwise apprise parents about the abundant mature content on its app with its other statements made available on the App Store page.

16. 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."

17. 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 in a snowflake emoji will receive autocomplete suggestions for cocaine, including: "[snowflake][bunny] girls", "[snowflake]caine", "[snowflake] line", and "[snowflake] nose hole." Typing "alch" into the TikTok search bar will offer users suggested searches that return thousands of videos about using alcohol, including videos about hiding alcohol from parents and making alcohol taste like candy. Meanwhile, "drin" yields "drinkrecipes" and "drinkingcardgame." 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."

18. 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."

19. In fact, sexual content, nudity, and mature and 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 "sk" into the TikTok search bar will be offered terms like "skriptok," and "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 "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 letters "ba" into the search bar offers "baddies," 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.

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 deceptively claim a 12+ rating on the page consumers use to download the TikTok app in the Apple App Store.

[redacted]

24. 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."[4] 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."[5]

25. 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.

[4] *Content ratings for apps and games*, GOOGLE PLAY, https://bit.ly/3UextFW (last visited June 6, 2023).

[5] *Id.*

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

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

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

29. The State of Indiana demands a jury trial.

JURISDICTION AND VENUE

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

31. 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.*

32. 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."

33. 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."

34. 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).

35. 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).

36. Defendants operate a social media application and platform that has transacted business in the State of Indiana within the applicable statute of limitations. As in other states, Defendants use data collected from users in Indiana, including location-based data, to determine what content to recommend to those users and what advertisements to serve them. "[redacted]"[6] Defendants have availed themselves of the benefit of transacting business in Indiana through the marketing, sale, and operation of a well-known social media and advertising network. [redacted] This Court has personal jurisdiction over Defendants under IND. R. TRIAL P. 4.4(A).

37. Venue is proper under Ind. R. Trial P. 75.

I. PARTIES

38. Plaintiff is the State of Indiana.

39. Defendant TikTok Inc. is a for-profit entity incorporated in the State of California, which operates a social media application and platform known as "TikTok." TikTok Inc. is

[redacted]

headquartered at 5800 Bristol Pkwy, Culver City, CA, 90230-6696. TikTok Inc. has a valuation of at least $50-75 billion. TikTok Inc. made nearly $4 billion in revenue in 2021 and an estimated $10–12 billion in 2022.

40. Defendant TikTok Pte. Ltd. is a related corporate entity, which is headquartered at 1 Raffles Quay, #26-10, South Tower, Singapore 048583. This related corporate entity is nominally listed on the Apple App Store, Google Play Store, and Microsoft Store.

41. Defendant ByteDance Inc. is a for-profit entity incorporated in the State of Delaware. ByteDance is headquartered at 250 Bryant St, Mountain View, CA, 94041.

42. Defendant ByteDance Ltd. is a multinational internet technology holding company and is the parent company of TikTok Inc, TikTok Pte. Ltd., and ByteDance Inc. ByteDance Ltd. is headquartered in Room 503 5F, Building 2, 43 North Third Ring West Road, Beijing, 100086 China and registered in the Cayman Islands at C/O Vistra (Cayman) Limited, P. O. Box 31119, Grand Pavilion, Hibiscus Way, 802 West Bay Road, Grand Cayman, KY1 – 1205. ByteDance Ltd. is valued at more than $400 billion. ByteDance Ltd. reported $58 billion in revenue in 2021.

FACTUAL ALLEGATIONS

What TikTok Is

43. 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. TikTok was the most downloaded app globally in 2022.[7]

44. 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.

[redacted]

45. 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.

46. 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.[8]

[7] D. Curry, *Most Popular Apps (2023),* BUSINESSofAPPS (Feb. 28, 2023), *available at* https://www.businessofapps.com/data/most-popular-apps/.

[8] *How TikTok recommends videos #ForYou*, TIKTOK (June 18, 2020), https://bit.ly/3NuYeUY.

47. 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).

48. The TikTok application also allows users to search for content. Users can type text or emojis 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.

49. The TikTok application also permits users to access an in-app browser by clicking on a link attached to a video or in the comments on the video. If the link is to a Google search site, this in-app browser gives users virtually unfettered access to all content available on the internet without ever leaving TikTok.

50. 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 a core element of 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"

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

52. TikTok is required to submit its TikTok application to the App Store before its application will be made available to consumers there. As part of the submission process, Apple 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. When TikTok submits this information to Apple, it does so with full knowledge that the information will in turn be used to automatically populate certain consumer-facing disclosures about the TikTok application on TikTok's App Store page.

53. 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 automatically 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.

54. 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.

55. 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."

56. 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, https://apple.co/3ydIBeh (last visited June 6, 2023).

57. 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*.

58. 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+."

59. 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, https://apple.co/3SQAI6f (last visited June 6, 2023).

60. 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.

61. [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.[9]

62. [redacted] Upon information and belief, version 24.1.0 of the TikTok application was made available in the App Store on April 21, 2022. [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 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."

63. 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.

64. But because TikTok selected [redacted] in response to the "Alcohol, Tobacco, or Drug Use or References" prompt, the "Sexual Content or Nudity" prompt, the

[9] *TikTok*, APPLE APP STORE, https://apple.co/3Y25OLy (last visited June 6, 2023) ("Version History" section).

"Mature/Suggestive Themes" prompt, and the "Profanity or Crude Humor" prompt, TikTok was able to market its application in the App Store with a 12+ rating. [redacted]

65. 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.

66. [redacted]

67. [redacted]

68. [redacted]

69. 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."[10] In both of these alternate fora, TikTok has claimed a "T" for "Teen" rating. [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."[11]

70. 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"

71. 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.

72. 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.

[10] *Content ratings for apps and games*, GOOGLE PLAY, https://bit.ly/3UextFW (last visited June 6, 2023); *Age ratings*, MICROSOFT STORE (last visited June 6, 2023), https://bit.ly/3ihMU2X.

[11] *Content ratings for apps and games*, GOOGLE PLAY, https://bit.ly/3UextFW (last visited June 6, 2023).

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

73. [redacted] Even for those users who do have Restricted Mode enabled, however, the setting fails to prevent mature content from being visible to young users; on TikTok, a vast library of intense sexual content, intense drug, alcohol, and tobacco content, and intense profanity is available to users with Restricted Mode turned on.

"Alcohol, Tobacco, and Drug Use or References" on TikTok Are Neither Infrequent Nor Mild

74. TikTok has misled Indiana consumers by offering its application with a "12+" rating in the App Store, while knowing that the application contains abundant amounts of content about alcohol, tobacco, and drug use or references.

75. 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 inaccurate and deceptive.

76. 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, but it also *assists* users in locating these alternative search terms by recommending them to users as Autocomplete suggestions.

77. 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 "shromz" and "shromz first time" as possible search terms. If the user then searches for either term, the TikTok application returns thousands upon thousands of videos about hallucinogenic mushrooms. For example, the "shromz" 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, a hallucinogenic.

78. Similarly, "shroomtok" returns no search results but the misspelling "shrooomtok" 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).

79. TikTok's CEO Shou Chew has asserted that "if anybody searches for any drugs on our platform, we do point them to resources, to help them with that." Video of Testimony of Shou Chew, Chief Executive Officer, TikTok, Inc., Before the U.S. Committee on Energy and Commerce, 118th Cong., 1st Session, at 4:13:23–4:13:30 (Mar. 23 2023), *available at* https://bit.ly/40ncoNI ("Testimony"). But with the autocomplete searches for drugs by common misspellings, TikTok is not helping users find resources to counter drug abuse; instead, TikTok is helping users find more and more of the drug-filled content TikTok claims to restrict.

80. 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 "alch" or "alco" into TikTok's search bar generates alcohol-related suggestions like "alchol brevages." This search term yields videos and recipes for binge drinking and videos of drinking while underage.

81. 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 2.0 billion views. Most of the top videos returned when searching for that hashtag are actual drinking games. One top video result for #drinkinggames shows a user making colorful cards and a board for the game, "Blackout," which involves players taking shots, twerking, and removing clothing. It has 2.4 million views.[12] In another video result for #drinkinggames, a user displays cards for the game, "Kinkies Get Legless," wherein players take multiple shots and "passionately kiss" and bite the lips of other players. It has 1.2 million views.[13] Another video shows a game involving driving an RC car through a maze of alcoholic beverages and then consuming anything that the RC car knocks over. It has 1.6 million views.[14]

82. Cannabis content is also abundant on the TikTok platform—despite the fact it is illegal in all fifty states for those under 18 to use cannabis recreationally. 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 "ediblessmallbusiness treat" featuring cannabis products. 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 "edible3" leads to more cannabis recipes and "#edibl" is an operative hashtag for videos with over twenty million views. 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. One video

[12] drinkinggamesss (@drinkinggamesss), TIKTOK (Feb. 9, 2023), https://bit.ly/420GvM3.
[13] Legless Games (@getlegless), TIKTOK (Sept. 17, 2022), https://bit.ly/3ZSlO2M.
[14] Shotaholics (@shotaholics), TIKTOK (June 1, 2021), https://bit.ly/3mGs93a.

shows a young man consuming cannabis edibles repeatedly throughout the course of an entire day, and that video has 13.3 million views.[15]

83. [redacted]

84. Publicly, TikTok's CEO Shou Chew has asserted that TikTok "take[s] illegal drug[] content [on] our platform very seriously, it violates our guidelines, [we are] proactively identifying and remov[ing] them." Testimony 4:13:16–24. This is deceptive because TikTok has proven it is unwilling and incapable of policing the proliferation of problematic drug and alcohol content on its platform.

85. [redacted]

86. [redacted]

87. [redacted]

[15] The Food Guy (@tommywinkler), TIKTOK (Sept. 21, 2021), https://bit.ly/3VK8hIH.

[redacted]

88. [redacted]

89. In Indiana, it is illegal for minors to possess alcohol, IND. CODE § 7.1-5-7-7, and for anyone to possess marijuana, *id.* § 35-48-4-11. Nonetheless, TikTok serves minors in Indiana (and across the United States) content suggesting, encouraging, and glorifying the possession and consumption of these substances.

90. The proliferation of this content is a feature, not a bug, of the TikTok application's powerful algorithm. [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

91. 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 deceptively reports the frequency and intensity 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.

92. [redacted]

[redacted]

95. [redacted]

96. [redacted] During his testimony before the U.S. House Committee on Energy and Commerce, TikTok CEO Shou Chew stated that "*anything* that is violative and harmful, we remove." Testimony 1:17:42–48 (emphasis added). But, of course, that is deceptive. It is only the

content TikTok finds and then decides to remove that is in fact removed. [redacted] Chew later said that "dangerous content that violates [TikTok's policies], we remove them. When we see them, we remove from the platform." Testimony 3:43:57–3:44:04. But that too is deceptive as even with videos that TikTok claims to see, it fails to take them down because its policies are not reliably enforced.

97. 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 the age of 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.

98. 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 iPhone allows a parent to restrict to enable parental controls that limit the applications available for download by age rating, and some Indiana parents choose not to let their children download applications with a "17+" rating. If TikTok had a 17+ age rating, this would further restrict engagement among TikTok's critical young-user demographic.

99. [redacted]

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

100. Simple searches on TikTok demonstrate that "Sexual Content or Nudity" and "Mature/Suggestive Themes" on TikTok are neither infrequent nor mild. [redacted]

101. If a user types "sk" into the TikTok search bar, TikTok recommends "skriptok" and "skripper tiktok" as suggested search terms. These searches return 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.[16]

102. 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.

103. If a user types only the letter "ba," TikTok will recommend "baddies," 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.

104. Searching for "seggs" with the "egg" emoji in place of the letters "e-g-g" also offers abundant sexual content, including a video of 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."

[16] Layla Lavenderr (@dro0l), TIKTOK (Dec. 26, 2021), https://bit.ly/3FjI3HF.

105. 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.[17] 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 by people wearing thong underwear.

106. 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" 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" (3.7 million views)[18]; a video about pegging that includes a sex toy (2.8 million views)[19]; and a video that includes the text "he finally let me peg him" (3.9 million views).[20] 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."

107. 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);[21]

[17] Anysia Shung (@annysiia), TIKTOK (Oct. 13, 2021), https://bit.ly/3ujaD5x (2.8 million views) (available to all users registered as adults, but not 13 year olds); Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Jan. 17, 2022), https://bit.ly/3VJcvjK (1.5 million views) (available to 13 year old+); Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Apr. 18, 2022), https://bit.ly/3ugYvlL (3 million views) (available to 13 year old+); Brianna Leigh (@veganbrianna), TIKTOK (Aug. 24, 2021), https://bit.ly/3H1ELKp (1.1 million views) (available to all users registered as adults, but not 13 year olds); Isis Maia Bello (@isismaiabello), TIKTOK (Feb. 11, 2022), https://bit.ly/3h1TYQV (3.5 million views).

[18] theadultscorner (@theadultscorner), TIKTOK (Mar. 26, 2022), https://bit.ly/3OYPTJT.

[19] oLiViA (@_pig_benis__), TIKTOK (Apr. 30, 2021), https://bit.ly/3H6OCi8.

[20] Anna (@ya_annannasik), TIKTOK (July 4, 2022), https://bit.ly/3Hf9FPk.

[21] Chloe Lebacq (@spicyychloebaby), TIKTOK (Jan. 18, 2021), https://bit.ly/3UuKqM5.

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);[22] a video in which a dominant partner describes physical abuse during sex (601,900 views);[23] and a video depicting bondage costumes and themes in a performance (65,000 views).[24]

108. "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 (4 million views).[25] One user's video describes how a user's past experience with sexual assault led to a CNC kink (858,000 views),[26] and another user describes her own kinks that she refers to as "breeding" and CNC. (401,000 views).[27] 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.

109. "Fingering" is a slang term for penetrating a woman's vagina with fingers. On TikTok, even a 13-year-old user can search for "f1ngering" and view hundreds of videos about fingering, including how-to instructional guides with as many as 13 million views.

110. "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

[22] Kirizal (@kirizalneha), TIKTOK (Aug. 7, 2022), https://bit.ly/3Up1XFn.
[23] Havoc Rayne (@havoc_rayne), TIKTOK (Dec. 1, 2021), https://bit.ly/3F17yfh.
[24] Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Nov. 23, 2021), https://bit.ly/3XUGw24
[25] Wednesday (@gothyghoull), TIKTOK (Sept. 16, 2022), https://bit.ly/3BykybJ.
[26] bebii (@bebiisan), TIKTOK (May 30, 2022), https://bit.ly/3ZZbDcQ.
[27] Sophia the first (@trash.echo), TIKTOK (April 1, 2022), https://bit.ly/3ZDijxH.

views.[28] The "baddiesonly" hashtag returns numerous twerking videos with millions of views and likes.

111. Other readily accessible videos glorify sexual bondage imagery, (1.5 million views);[29] and provide instructions for tying a pentagram-shaped harness for sexual rope play (1 million views).[30] 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."[31]

112. A video with 486,500 views shows a graphic, close-up view of two women kissing, licking, and smearing saliva on each other for two-and-a-half minutes.[32]

113. Some TikTok videos appear to feature minors engaged in sexually suggestive dances. One video with 20,000 views purports to show a 16-year-old twerking on a bed.[33]

114. 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

[28] FRESA (@_fre.sa), TIKTOK (Aug. 8, 2022), https://bit.ly/3UG4bAA (available to all users registered as adults, but not 13-year-olds).

[30] blackglovedom (@BlackGloveDom), TIKTOK (June 6, 2021), https://bit.ly/3UwAG3Z.

[31] Tik Toker (@mauricoolguy2), TIKTOK (June 23, 2021), https://bit.ly/3P5Q2v5.

[32] lesbianas besandose bien rico (@lesbianas kisses), TIKTOK (Sept. 5, 2022), https://bit.ly/3JbG3lo. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

[33] 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.

this can include kids under 18 contributing images of *themselves* after being groomed or enticed by the account owners.[34]

115. 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.[35] 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.

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

117. Along the same lines, if a user searches for "#spiceytok," then TikTok will return videos totaling 2.4 million views of sexual novels and domination kinks.

118. TikTok's unique algorithm force feeds this content to users, which leads to "rabbit holing." This is where "the app takes note of subtle cues" to serve users more and more content that becomes "less mainstream, less vetted by moderators and sometimes more disturbing" as users

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

[35] *Id*.

scroll down the rabbit hole.[36] An investigation by the *Wall Street Journal* found that TikTok created rabbit holes of videos that "sexualized minors."[37]

119. TikTok's CEO Shou Chew testified about the *Wall Street Journal*'s investigation and the user experience the newspaper uncovered. He did not deny that such experiences do occur on TikTok, only claiming that "we don't think it represents the majority of the users' experience on TikTok, but *it does happen*." Transcript 4:17:03–4:17-08 (emphasis added).

120. [redacted]

121. [redacted]

122. 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 too 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."[38] The video has 15.4 million views.[39] 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 views.[40] Another user, Camila Mendes,

[36] WSJ Staff, *Inside TikTok's Algorithm: A WSJ Video Investigation*, WALL STREET JOURNAL (July 21, 2021), https://on.wsj.com/3ZBaQiH.
[37] *Id*.
[38] Addison (@addisonre), TIKTOK (May 10, 2022), https://bit.ly/3Fs9cYT.
[39] *Id*.
[40] 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.

has danced to the same lyrics, and her video has 36.4 million views.[41] Loren Grey performs the dance in a thong bikini in a video with 5.6 million views.[42]

123. 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.[43] Another user's WAP dance has 3.7 million views and features the user wearing fishnet stockings and a short skirt.[44] The WAP dance includes floor-humping and all-fours twerking.

124. 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."[45] The lyrics include: "F-R-E-A-K/I'm a movie, I 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."

125. 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.[46] 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."

126. Another video features a young woman with the side of her chest exposed dancing to "DDLG" by ppcocaine. The lyrics she is dancing to are "I just want you to fuck me to sleep

[41] camila mendes (@camimendes), TIKTOK (May 27, 2022), https://bit.ly/3Hh3pa9.
[42] 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.
[43] Addison (@addisonre), TIKTOK (Aug. 22, 2020), https://bit.ly/3Fs0vxE.
[44] Dynamikduoo (@dynamikduoo), TIKTOK (Oct. 9, 2020), https://bit.ly/3Bd0QSt.
[45] charli d'amelio (@charlidamelio), TIKTOK (Sept. 25, 2022), https://bit.ly/3OZhniE.
[46] iruru (@amberiruru), TIKTOK (Oct. 1, 2022), https://bit.ly/3BaOWIF.

(fuck me so good)/Trap Bunnie Bubbles/I want my cheeks clapped, Daddy (clap 'em)/So lay me down while I arch that ass back (back)/I need that good pipe, Daddy." The video has 3 million views.[47]

127. 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.[48]

128. 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.

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

130. 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.[49] The lyrics to "Fuck Off" include: "This is for anybody who needs tell somebody

[47] User30066902673 (@goth.cowgirl), TIKTOK (Nov. 5, 2021), https://bit.ly/3LigiT8 (available to all users registered as adults but not 13-year-olds).

[48] peach pottery (@peachmangojuice777), TIKTOK (Apr. 5, 2022), https://bit.ly/3Bz5EC3; Julie (@deadlyxxlove), TIKTOK (Aug. 21, 2021), https://bit.ly/3P1XsiW.

[49] Queenlock1989 (@queenlock1989_), TIKTOK (Sept. 8, 2022), https://bit.ly/3uoZdgT.

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 24,600 videos on TikTok.

131. 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+."

132. Not only is content of this nature available to young users, 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.

133. Additionally, the songs We Not Humping, WAP, Fucked by a Cowboy, She's So Nice, Fuck Off, DDLG, 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.

134. 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.

135. [redacted]

136. [redacted]

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

137. 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 deceptively reports the frequency and intensity 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.

138. [redacted]

[redacted]

[redacted]

[redacted] 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]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

142. [redacted]

143. [redacted]

[redacted]

144. [redacted]

145. [redacted]

146. [redacted]

[redacted]

147. [redacted]

[redacted]

148. [redacted]

[redacted]

[50] 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, https://bit.ly/3XW2cL7 (last visited June 6, 2023).

[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

149. [redacted]

151. [redacted]

[redacted]

152. [redacted]

153. [redacted] Yet during this time, [redacted]

154. TikTok's newest version of its Community Guidelines, updated in March 2023, *now* says its "approach to content moderation is built on four pillars" including "[a]ge-restrict mature content so it is only viewed by adults (18 years and older)."[51] This "pillar" does not appear in previous versions of the guidelines. [redacted]

[51] *Community Guidelines*, Overview, TIKTOK (last updated Mar. 2023), https://bit.ly/3Hc5jsl.

155. Only in Summer 2022 did TikTok begin to implement its content classification system to help ensure content on TikTok is, in *TikTok's* words, [redacted] At that time, TikTok began restricting content that 1) does not violate the Community Guidelines but 2) still receives its most mature rating from users who register at TikTok's age gate as under 18. [redacted] Again, this means that there is content on TikTok that, before Summer 2022, *per TikTok's policies*, would have been available to a minor on an app rated 12+, that *TikTok* rates as 18+. Not all content on TikTok has received a maturity rating, and like "Restricted Mode", the State's investigation demonstrates that these "restrictions" leave much mature content readily available to minors.

156. Indiana law has protected consumers, including teen consumers, from unfair and deceptive conduct since before TikTok existed. Instead of abiding by that law, TikTok has flouted Indiana's consumer protections by misleading and deceiving parents about the availability of mature content on its application.

Restricted Mode Misleads and Deceives Consumers

157. TikTok's creation and promotion of Restricted Mode also misleads and deceives consumers.

158. 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."

159. In reality, Restricted Mode does virtually nothing to limit mature content. 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*. Additionally, 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.[52] 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.[53]

160. 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.

161. Even within a single user's profile, one video might be blocked from users in Restricted Mode,[54] while numerous other videos from the same user are permitted in Restricted Mode even though they are equally sexual.[55] [redacted]

162. 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 mature

[52] Keeno & Liz (@keenoandliz), TIKTOK (Dec. 24, 2021), https://bit.ly/3gZNqlR.
[53] Keeno & Liz (@keenoandliz), TIKTOK (Jan. 2, 2022), https://bit.ly/3F7tB3Y.
[54] Guilherme Ambrosio (@gui_ambrosio), TIKTOK (June 12, 2022), https://bit.ly/3He3yLk.
[55] Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Jan. 17, 2022), https://bit.ly/3VJcvjK; Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Apr. 18, 2022), https://bit.ly/3ugYvlL; Brianna Leigh (@veganbrianna), TIKTOK (Aug. 24, 2021), https://bit.ly/3H1ELKp.

content. In reality, Restricted Mode does virtually nothing to block mature content from being visible (or even promoted by TikTok's algorithm) to users.

TikTok Also Misleads and Deceives Indiana Consumers Through Its Community Guidelines

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

164. TikTok's Community Guidelines establish "rules and standards for using TikTok," which are maintained "[t]o help ensure a safe, trustworthy, and vibrant experience."[56] TikTok says that "the guidelines apply to everyone and everything on TikTok."[57] TikTok claims to enforce the Community Guidelines using both "technology that reviews [content] against our guidelines" and "review by our trust & safety team."[58]

165. However, internal TikTok recordings obtained by Forbes magazine indicate that TikTok has operated special content moderation procedures or policies for TikTok users with more than 5 million followers.[59] These were designed to implement the Community Guidelines more leniently than they would otherwise be implemented.[60] In one recording, a member of TikTok's "Trust and Safety Team" is heard describing the more-lenient content moderation process as follows: "If Addison Rae shows a little bit of a thong, they might mark that, whereas we might be a little more lenient."[61] Addison Rae is one of TikTok most-followed users, with 88 million followers.[62]

166. [redacted]

[56] *Community Guidelines*, Overview, TIKTOK (last updated Mar. 2023), https://bit.ly/3Hc5jsl.
[57] *Id*.
[58] *Community Guidelines*, Enforcement, TIKTOK (last updated Mar. 2023), https://bit.ly/3Hc5jsl
[59] Emily Baker-White, *How TikTok Has Bent Its Rules for Its Top Creators*, FORBES (Sept. 20, 2022). https://bit.ly/3UzIVwe.
[60] *Id*.
[61] *Id.*
[62] *Id.*

[redacted]

167. 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 "[w]e will remove any content—including video, audio, livestream, images, comments, likes, or other text—that violates our Community Guidelines."[63]

168. TikTok tells consumers that "[w]e do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs."[64] TikTok further tells users "[w]e do not allow showing or promoting young people possessing or consuming alcohol, tobacco products, and drugs." [65] In describing its policy, TikTok further states that, in addition to the above, the following content is "NOT allowed": "[s]howing the misuse of common household items or over-the-counter products to get intoxicated;" "[p]roviding instructions on how to make homemade spirits, drugs, or other regulated substances;" and "[f]acilitating the trade or purchase of alcohol, tobacco products, drugs, or other regulated substances."[66] "Consumption of excessive amounts of alcohol by adults" and "[c]onsumption of tobacco products by adults" are allowed, but TikTok claims to restrict such content to those 18 years and older. [67]

169. 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.

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[63] *Id*.

[64] *Community Guidelines*, Regulated Goods and Commercial Activities, Alcohol, Tobacco, and Drugs, TIKTOK (last updated Mar. 2023), https://bit.ly/3Hc5jsl.

[65] *Id*.

[66] *Id*.

[67] *Id*.

170. [redacted]

171. [redacted]

172. [redacted]

173. TikTok's Community Guidelines state that: "[w]e do not allow nudity, including uncovered genitals and buttocks, as well as nipples and areolas of women and girls," and "[w]e do not allow seductive performances or allusions to sexual activity by young people, or the use . . . by anyone" of "sexually explicit narratives, such as vivid description of sexual acts."[68] "Seductive

[68] *Community Guidelines*, Sensitive and Mature Themes, TIKTOK (last updated Mar. 2023), https://bit.ly/3Hc5jsl.

performances by adults," "[s]exualized posing by adults," and "[a]llusions to sexual activity by adults" are allowed, but TikTok claims to restrict such content to those 18 years and older. [69]

174. Yet 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.

175. [redacted]

176. TikTok's Community Guidelines also have long failed to fully explain and disclose its policy to permit intense profanity on its platform. [redacted]. Those guidelines make an oblique, general reference to a policy exception for "artistic" content. They do *not* alert consumers to TikTok's longstanding practice of permitting extreme, hardcore profanity in music lyrics. In its most recent update to its Community Guidelines from March 2023, months after the State originally filed this lawsuit, TikTok *now* says it allows "[s]exually explicit narratives in some

[69] *Id*.

artistic creations, such as song lyrics." Examples of intense, explicit lyrics readily available to anyone on TikTok are described in this Complaint. Still, TikTok deceptively represents to consumers in the App Store that its app contains only "infrequent/mild" profanity.

177. 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.

178. [redacted]

179. 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

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

181. 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.*

182. 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).

183. 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."

184. 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.

185. 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.

186. 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+."

187. 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.

188. 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.

189. 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.

190. 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).

191. 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 and deceptive statements and omissions 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.

192. 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).

193. 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 and Nudity

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

195. 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.*

196. TikTok is a "supplier . . . who regularly engages in or solicits consumer transactions" in the state of Indiana, Ind. Code § 2450.52(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).

197. 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."

198. 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.

199. In particular, TikTok has inaccurately reported to the App Store that the TikTok application contains only "infrequent/mild" "Sexual Content or Nudity" when such content is actually abundant on the TikTok platform and is neither "infrequent" nor "mild" in nature.

200. 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+."

201. 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.

202. 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).

203. 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 and deceptive statements and omissions 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.

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

205. 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).

206. 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.*

Mature/Suggestive Themes

207. The State repeats and incorporates by reference each and every allegation contained

in the preceding paragraphs as if fully set forth herein.

208. 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.*

209. TikTok is a "supplier . . . who regularly engages in or solicits consumer transactions" in the state of Indiana, IND. CODE § 2450.52(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).

210. 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."

211. 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.

212. In particular, TikTok has inaccurately reported to the App Store that the TikTok application contains only "infrequent/mild" "Mature/Suggestive Themes" when such content is

actually abundant on the TikTok platform and is neither "infrequent" nor "mild" in nature.

213. 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+."

214. 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.

215. 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).

216. 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 and deceptive statements and omissions 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.

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

218. 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).

219. 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.*

Profanity or Crude Humor

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

221. 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.

222. 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).

223. 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."

224. 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.

225. 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—and in fact permitted by TikTok policies—on the TikTok platform and is neither "infrequent" nor "mild" in nature.

226. 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+."

227. 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.

228. 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).

229. TikTok has engaged in these actions knowingly because any reasonable consumer would know that TikTok's deceptive self-reporting to the App Store, its misleading and deceptive statements and omissions in the Community Guidelines, and its deceptive public statements would violate Indiana's prohibition on unfair, abusive, and deceptive acts or practices perpetrated on consumers.

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

231. 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).

232. 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.*

12+ Age Rating

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

234. 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.*

235. 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).

236. 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."

237. 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.

238. 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+."

239. 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.

240. TikTok has long permitted content on its app that TikTok knows is only suitable for adults, and has allowed minors unrestricted access to that content, while at the same time representing to consumers that the app is appropriate for individuals aged 13 to 17.

241. TikTok only began to restrict minors' access to that content—content that *TikTok itself* rates Mature (18+)—in Summer 2022. Those efforts are incomplete and ineffective, leaving much adult content available for minors to view.

242. 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).

243. TikTok has engaged in these actions knowingly because any reasonable consumer would know that TikTok's deceptive self-reporting to the App Store and its failure to select an appropriate age rating would violate Indiana's prohibition on unfair, abusive, and deceptive acts or practices perpetrated on consumers.

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

245. 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).

246. 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 VI

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

Cumulative Misrepresentations

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

248. 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.*

249. 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).

250. 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."

251. 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.

252. In particular, TikTok has inaccurately 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.

253. 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+."

254. 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.

255. 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).

256. TikTok has engaged in these actions knowingly because any reasonable consumer would know that TikTok's deceptive self-reporting to the App Store, its misleading and deceptive statements and omissions in the Community Guidelines, and its deceptive public statements would violate Indiana's prohibition on unfair, abusive, and deceptive acts or practices perpetrated on consumers.

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

258. 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).

259. 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 VII

Indiana Deceptive Consumer Sales Act,
Ind. Code § 24-5-0.5, *et seq.*

Misrepresentations About the Efficacy of Restricted Mode

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

261. 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.*

262. 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).

263. 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."

264. 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.

265. 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."

266. 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.

267. 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.

268. 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.

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

270. 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).

271. 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, the State prays for judgment against Defendants for each of the causes of action raised herein. The State 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 the State civil penalties 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 the State civil penalties 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. The State demands a jury trial; and

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

Date: June 6, 2023

Respectfully submitted,

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