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**MONTANA FIRST JUDICIAL DISTRICT COURT,
LEWIS AND CLARK COUNTY**

STATE OF MONTANA, *ex rel.*
AUSTIN KNUDSEN,
ATTORNEY GENERAL,

Plaintiff,

v.

TIKTOK INC., TIKTOK LTD., TIKTOK PTE. LTD.,
BYTEDANCE LTD., and BYTEDANCE INC.,
Defendants.

CASE NO.

PUBLIC REDACTED

COMPLAINT

1. TikTok—an extremely popular social media app that has worked its way into the phones and minds of our State’s youth—is rife with profanity, sexual content, violence, mature themes, and drug and alcohol content. In an investigation of TikTok, the State discovered virtually

endless amounts of extreme and mature videos presented to children as young as thirteen—some with millions of views. Much of this content would shock the conscience of an individual of *any* age, let alone impressionable children and young teens.

2. To make matters worse, TikTok specifically targets its app to young people and purposefully designed its app to be *addictive*. TikTok presents an endless scroll of videos designed to hook users into a dreamlike state of content consumption. In fact, addictiveness is a core element of TikTok’s business model. The more time young Montanans spend glued to the app, scrolling with no end, the more TikTok can feed them advertisement after advertisement and generate massive profits through ad revenue.

3. Were that not enough, TikTok has not only failed to disclose the truth about the mature and extreme content on its highly addictive app—it has affirmatively *lied* about it—misleading parents and kids across the State at least hundreds of thousands of times to date. TikTok has lied about the nature of its product in several independent and material ways.

4. First, TikTok has relentlessly sought and maintained an app age rating of 12+. When a parent or child considers whether to download an app in the Apple App Store or Google Play Store, each app is presented with a corresponding age rating. In the Apple App Store, apps can be rated either 12+ or 17+. TikTok claims a “12+” rating in Apple’s App Store, despite that it could select a rating of 17+. Likewise, TikTok claims a “T for Teen” rating in the Microsoft and Google Play app Stores.

5. Further, TikTok represents that the categories of inappropriate content on its platform, including drugs, nudity, alcohol, and profanity, are all “infrequent” and “mild.” TikTok explicitly claims that its app only contains: “Infrequent/Mild Sexual Content and Nudity,”

“Infrequent/Mild Profanity or Crude Humor,” “Infrequent/Mild Mature/Suggestive Themes,” and “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References.”

6. The State’s investigation, described in detail in this Complaint, has proven these claims to be misleading, deceptive, and false. Music, videos, and other content available on the TikTok app contains sexual content, drugs, alcohol, intense profanity, self-harm messages, and other X-rated content, all of which are frequently and easily accessible at the fingertips and swipes of Montana children and teens.

[REDACTED] There is no doubt that TikTok has been misrepresenting itself in Apple’s App Store.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED] however, TikTok continues to violate its App Store representations because content in every category TikTok claims to be “infrequent/mild” is in fact “frequent/intense.” Montana’s own investigation reveals that users who register to use the TikTok app as 13 years old can readily find: recipes for “jungle juice” and highly alcoholic drinks,

including versions meant to mask the flavor of alcohol; women dancing provocatively in thong bikinis, including in close-up butt and crotch shots; advice and encouragement about using marijuana, vaping devices, and hallucinogenic mushrooms; videos filmed inside schools set to music with extremely profane lyrics and explicit subject matter; and videos promoting eating disorders, suicide, and self-harm. Not only is this content available on the TikTok app, but TikTok's algorithm recommends it to 13-year-old users.

9. Finally, TikTok has failed to disclose critical facts known to TikTok about its efforts to intentionally addict young users. It has pursued innovative design features that keep young eyes glued to the screen. These efforts have had their desired effect. Many young Montanans are now addicted to TikTok, to the detriment of their well-being, development, and mental and physical health. TikTok's effects have been particularly pronounced for young women; the app has caused rampant body image issues, eating disorders, and even suicide. TikTok fails to disclose any of these risks.

10. The Montana Consumer Protection Act stands strong against such deceptive and unconscionable acts. The Act provides that "unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful." MONT. CODE ANN. § 30-14-103. The Act charges the Attorney General with enforcing these important protections.

11. The Attorney General intends to do just that. The State of Montana seeks, among other appropriate relief, a permanent injunction under the Montana Consumer Protect Act to compel TikTok to cease its deceptive, misleading, false and unfair statements and conduct related to the frequency and severity of alcohol, tobacco, and drug content, sexual content, nudity, mature/suggestive themes, and profanity on the TikTok app; its inaccurate age rating statements in the App Store; and its other misleading, deceptive, and unconscionable statements about

Restricted Mode, in the TikTok app’s Community Guidelines, in the Google Play and Microsoft stores, and about the app’s addictive and harmful nature.

12. Parents deserve to know the truth about the TikTok app. At the very least, Montana law requires TikTok to stop lying about it.

JURISDICTION AND VENUE

13. This Court has personal jurisdiction over all Defendants.

14. The Defendants operate social media applications and platforms that they have purposefully directed to operate in the State of Montana within the applicable statute of limitations. The TikTok app has been downloaded and activated by a device located in Montana at least hundreds of thousands of times. Defendants also actively serve content to and collecting data from all of those devices and accounts located in Montana.

15. Defendants market and advertise their product in Montana, including on the Apple App Store, Google Play Store, and Microsoft Store.

1. Defendants use data collected from Montana users to serve Montana-specific content to users in Montana. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹ [REDACTED]

16. TikTok also uses the location information of its users to personalize advertisements. For example, a TikTok app user might see an advertisement for a local florist based on her location in Butte.

17. TikTok compensates users in Montana for content that they create and post on the TikTok app.³

18. When Montanans register to use the TikTok app, they enter a contract with TikTok, known as the Terms of Service. The contract is supported by consideration: Montana users gain access to the TikTok app and platform, and in consideration for that benefit, they “acknowledge and agree that [TikTok] may generate revenues, increase goodwill or otherwise increase [its] value from your use of the [TikTok] Services” (among other things).⁴ The Terms of Service explicitly allow TikTok to collect and use Montanans’ geographic information: Montana users grant TikTok contractual permission to “automatically collect certain information,” including “your IP address” and “geolocation-related data,” and TikTok informs users that it may link them with their offline activity, like where a user shops in-person.⁵ TikTok has entered such contracts with at least hundreds of thousands of Montanans.

19. TikTok allows Montana users to buy monetary “gifts,” which they can send to other users. TikTok Shop also allows users to shop for and purchase items inside the TikTok app. Those items will be shipped to the user, including users within Montana. TikTok directly fulfills some of those purchases.

³ *Creator Academy*, TIKTOK, <https://bit.ly/47EJ4Gw> (last visited Oct. 18, 2024).

⁴ *Terms of Service*, TIKTOK (last updated Nov. 2023), <https://bit.ly/3RG602u>.

⁵ *Privacy Policy*, TIKTOK (last updated May 22, 2023), <https://bit.ly/3OXgKGH>. [The Terms of Service incorporate the Privacy Policy.]

20. Defendants have targeted Montana as a market for the TikTok app and sought to gain business and political advantages from Montana-based users and their content. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. Defendants have availed themselves of the benefit of transacting business in Montana through the marketing, sale, and operation of a well-known social media and advertising network. Defendants are aware of their presence in Montana and the financial rewards they receive from operating within the State of Montana. [REDACTED]

[REDACTED] In total, Defendants can attribute, at a minimum, millions of dollars in revenue to activities in the State of Montana.

22. Venue is proper in the First Judicial District Court, Lewis and Clark County.

PARTIES

23. Plaintiff is the State of Montana, *ex rel.* Austin Knudsen, Attorney General. Pursuant to MONT. CODE ANN. § 30-14-111(1), the State may seek civil enforcement of the Montana Consumer Protection Act, including injunctive relief.

24. Defendant TikTok Inc. is a for-profit entity incorporated in California. It operates a social media application and platform known as “TikTok.” TikTok Inc. is headquartered at 5800

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

25. Defendant TikTok Ltd. is incorporated in the Cayman Islands and wholly owned by ByteDance Ltd. TikTok Ltd. is the parent company of wholly owned U.S. subsidiaries TikTok Inc. and TikTok Pte. Ltd. TikTok Ltd. is listed in the App Store as the entity offering the TikTok app.

26. Defendant TikTok Pte. Ltd. is headquartered at 1 Raffles Quay, #26-10, South Tower, Singapore 048583. TikTok Pte. Ltd. is nominally listed in the Apple App Store as the “Seller” of the TikTok app and in the Microsoft Store as having “[p]ublished” the TikTok app, and in the Google Play Store beneath the name of the TikTok app, without further description.

27. Defendant ByteDance Inc. is a for-profit entity incorporated in Delaware. ByteDance Inc. is headquartered at 250 Bryant St., Mountain View, CA 94041. ByteDance Inc. is wholly owned by ByteDance Ltd.

28. Defendant ByteDance Ltd. is a multinational internet technology holding company and is a parent company of TikTok Inc, TikTok Ltd., TikTok Pte. Ltd., and ByteDance Inc. It is headquartered in Room 503 5F, Building 2, 43 North Third Ring West Road, Beijing 100086 China and incorporated in the Cayman Islands, where it is registered 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 and reported \$58 billion in revenue in 2021.

29. There is no separation between and among the ByteDance and TikTok Defendant entities. ByteDance Ltd. exercises control over TikTok Inc., TikTok Ltd., TikTok Ptd. Ltd., and ByteDance Inc., which are its alter egos. ByteDance Ltd. created TikTok’s algorithm, which still

belongs to it.⁶ ByteDance Ltd. “plays a role in the hiring of key personnel at TikTok.”⁷ High-level ByteDance Ltd. employees serve in dual roles for ByteDance Ltd. and other TikTok entities, including TikTok Defendants.⁸ In April 2021, TikTok’s current CEO, Shou Zi Chew, was named as CEO of TikTok while also serving as CFO of ByteDance Ltd.⁹ He reports to the CEO of ByteDance Ltd. Former TikTok and ByteDance employees confirm that ByteDance Ltd. exercises functional control over other TikTok entities and their employees.¹⁰

30. TikTok’s Trust and Safety teams are responsible for developing safety and well-being policies for the TikTok app, creating and implementing safety and parental control features, and reviewing and investigating problematic content on the app. Those teams report to ByteDance’s General Counsel first, and only then to the TikTok CEO.¹¹ [REDACTED]

[REDACTED]

[REDACTED]

⁶ Letter from Shou Zi Chew to U.S. Senators at 4 (June 30, 2022); Z. Zhou Xin & Tracy Qu, *TikTok’s algorithm not for sale, ByteDance tells US: source*, S. CHINA MORNING POST (Sept. 13, 2020), <https://bit.ly/3Uje9HQ>.

⁷ June 2022 Letter to U.S. Senators, *supra* note 13, at 5; *see also* Drew Harwell & Elizabeth Dvoskin, *As Washington wavers on TikTok, Beijing exerts control*, WASH. POST (Oct. 30, 2022), <https://wapo.st/3VjMvLV> (managers in Beijing are “even the final decision-makers on human resources matters, such as whether an American employee can work remotely”).

⁸ Decl. of Vanessa Pappas ¶ 1, *TikTok Inc. v. Trump*, No. 20-cv-02658 (D.D.C. Sept. 23, 2020), ECF No. 15-3; Decl. of Roland Cloutier ¶¶ 1–2, *TikTok Inc. v. Trump*, No. 20-cv-02658 (D.D.C. Sept. 23, 2020), ECF No. 15-2.

⁹ *TikTok Names CEO and COO*, TIKTOK (Apr. 30, 2021), <https://bit.ly/3OVyvWh>; Ryan Mac & Chang Che, *TikTok’s CEO Navigates the Limits of His Power*, N.Y. TIMES (last updated Jan. 27, 2023), <https://nyti.ms/3OT6grk>.

¹⁰ Emily Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots*, FORBES (last updated Nov. 28, 2022), <https://bit.ly/3XTSnNF>; Emily Baker-White, *A China-Based ByteDance Team Investigated TikTok’s Global Security Chief, Who Oversaw U.S. Data Concerns, Ex-Employees Say*, FORBES (last updated Nov. 28, 2022), <https://bit.ly/3B3v5Lt>; Salvador Rodriguez, *TikTok insiders say social media company is tightly controlled by Chinese parent ByteDance*, CNBC (June 25, 2021), <https://cnb.cx/3NYLiXS>.

¹¹ *See* Harwell & Dvoskin, *supra* note 14 (emphasis added).

31. Employees can use a TikTok and a ByteDance email address interchangeably, and both email addresses use a single inbox. One former TikTok employee reported to *Forbes* that TikTok paychecks showed ByteDance as the drawer; another reported that TikTok employees' W-2s reported ByteDance as their employer.

32. [REDACTED]

33. Defendants operate as a common enterprise, each of them jointly and severally liable for the acts and practices alleged herein.

12 [REDACTED]

FACTUAL ALLEGATIONS

34. The TikTok app is a social media platform that centers on videos created and uploaded by users, often set to music, which TikTok makes available in its music library. The TikTok app is available as an application to download on smartphones and tablets, and most users interact with the TikTok app that way. Users can download the TikTok app from the Apple App Store, the Google Play Store, or the Microsoft Store. The TikTok app was the most downloaded app globally in 2022.

35. Once a user registers for TikTok, the user lands on the TikTok app's "For You Feed" when opening the app. The For You Feed is a never-ending stream of videos personalized for the user by TikTok's algorithm.

36. Users of the TikTok app can also search for content on the TikTok app using keywords and hashtags. When a user types in the TikTok app's search bar, the "Autocomplete" function will suggest search results.

37. TikTok publishes "Community Guidelines," a set of rules governing the content users are allowed to post on the TikTok app. TikTok relies on "content moderation" to police the Community Guidelines. Moderation is carried out through artificial intelligence and human moderators. [REDACTED]

[REDACTED]

[REDACTED]

Fig 2 | Platform popularity among sharers/re-sharers (At least once per day)

SOCIAL MEDIA	AGED 9-12		AGED 13-17		SHARED OWN SG-CSAM	SHOWN SG-CSAM	RE-SHARED SG-CSAM*
	GIRLS	BOYS	GIRLS	BOYS			
Facebook	32%	27%	30%	31%	37%	41%	37%
Instagram	44%	25%	64%	51%	66%	67%	51%
Pinterest	21%	8%	23%	9%	19%	19%	25%
Reddit	7%	16%	9%	13%	15%	14%	26%
Snapchat	51%	33%	62%	51%	70%	69%	54%
TikTok	38%	27%	35%	20%	46%	37%	47%
Tumblr	9%	6%	11%	6%	8%	15%	19%
Twitter	14%	12%	23%	21%	35%	27%	35%
VSCO	5%	5%	9%	3%	17%	14%	12%
YouTube	80%	80%	75%	82%	80%	82%	78%

[Q21] How often do you use/check/play each of the following?

I. Defendants’ Deceptive Representations about TikTok’s Age Rating

41. Apple requires developers submitting an app to be included in Apple’s App Store—like Defendants—to answer an age-rating questionnaire. Apple says that apps that host user-generated content (like TikTok) “should share the age rating of the highest age rated creator content available in the app.”¹⁶ Apple alerts developers to the reality that “[w]e have lots of kids

¹⁶ *App Review Guidelines*, APPLE, <https://apple.co/3syB5e1> (last visited Oct. 18, 2024).

downloading lots of apps,” and that app developers like Defendants “have to do your part” to keep kids safe.¹⁷ Apple also tells developers to “[a]nswer the age rating questions in App Store Connect honestly so that your app aligns properly with parental controls.”¹⁸ “If your app is mis-rated,” Apple warns, “customers might be surprised by what they get, or it could trigger an inquiry from government regulators.”¹⁹ Apple also informs developers, “[Y]ou are responsible for complying with local requirements in each territory where your app is available.”²⁰

42. Apple’s age-rating questionnaire asks Defendants to describe the content available on the TikTok app in each of these categories: “Alcohol, Tobacco or Drug Use or References,” “Sexual Content or Nudity,” “Mature/Suggestive Themes,” and “Profanity or Crude Humor.” Based on the self-selected answers to these questions—“none,” “infrequent/mild,” or “frequent/intense”—Apple suggests an age-rating. Apple also offers every app developer (including Defendants) the option to self-select a higher age rating than the one Apple suggests.

43. TikTok self-selects the answer “infrequent/mild” for every category. By doing so, TikTok chooses to have the following statements displayed on its page in the App Store:

- “Infrequent/Mild Profanity or Crude Humor”
- “Infrequent/Mild Mature/Suggestive Themes”
- “Infrequent/Mild Sexual Content and Nudity”
- “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References”

App Store Preview, *supra* n.2.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

44. Defendants' answers also cause Apple to offer a "12+" age rating option. Apple defines apps with the "12+" age rating as apps that "may also contain infrequent mild language, frequent or intense cartoon, fantasy, or realistic violence, infrequent or mild mature or suggestive themes, and simulated gambling, which may not be suitable for children under the age of 12." TikTok chooses to rate its app "12+."

45. The next higher (and highest) age rating is "17+." Apple offers Defendants the option to choose this rating, but Defendants have never done so. Apple defines apps with the "17+" age rating as apps that "may also contain frequent and intense offensive language, frequent and intense cartoon, fantasy, or realistic violence, and frequent and intense mature, horror, and suggestive themes; plus sexual content, nudity, alcohol, tobacco and drugs which may not be suitable for children under the age of 17."

46. TikTok is responsible for its age rating in the App Store. [REDACTED]

[REDACTED]

47. [REDACTED]

[REDACTED]

48. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

49. [REDACTED]

[REDACTED]

[REDACTED]

50. [REDACTED]

[REDACTED]

[REDACTED] Defendants continue to improperly claim a “12+” rating for the TikTok app, because TikTok still contains frequent: profanity or crude humor; alcohol, tobacco, and drug use or references; sexual content or nudity; and mature/suggestive themes. TikTok also still

contains intense: profanity or crude humor; alcohol, tobacco, and drug use or references; sexual content or nudity; and mature/suggestive themes.

51. The State’s own investigation has shown that these types of content are prevalent on the TikTok app and are easily accessible to 13-year-old users. Users are presented with this content in their algorithmically driven For You Feed without having searched for it, including users registered as only 13 years old. Users can also search for and find this content on the TikTok app when they are registered as only 13 years old. Videos containing these kinds of content receive millions—even hundreds of millions—of views on the TikTok app. Users who type only a few letters into the TikTok app’s search bar will be presented with search suggestions that lead to frequent and intense profanity; crude humor; alcohol, tobacco, and drugs use and references; sexual content or nudity; and mature or suggestive themes.

52.

[REDACTED]

53. [REDACTED]

54. TikTok uses content moderators to detect and remove content from its platform that violates its policies. But those efforts fail to limit minors' exposure to Apple's identified categories of content to "infrequent/mild" occurrences. That is largely for two reasons. [REDACTED]

[REDACTED]

55. Together, those two factors mean that a substantial amount of content inconsistent with each of TikTok's age-rating representations is available on the TikTok app to users who register as only 13 years old.

56. TikTok is also aware of these problems because it routinely measures and tracks them. [REDACTED]

[REDACTED]

57. [REDACTED]

[REDACTED]

[REDACTED] If even a small percentage of videos watched violate the Community Guidelines, TikTok is still feeding the average user a daily dose of mature content. And not every young user is average. Young users who seek out sexual and drug-related content that violates the Community Guidelines can find it in abundance.

58. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

59. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

60. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

61. [REDACTED]

[REDACTED] TikTok releases Enforcement Reports to

the public in which it only includes the number of *videos* it removes for *violating* the Community

Guidelines. Nor does TikTok disclose any information about “leakage”—mature content it fails to

catch. [REDACTED]

[REDACTED] but it does not report that

information publicly, either.

62. Furthermore, all of these metrics understate the level of risk to minors who use

TikTok. Neither the [REDACTED] rate nor the metrics in the public enforcement reports attempt to

capture all of the content that exists on TikTok’s platform but that is inconsistent with TikTok’s

age-rating representations. Nor do they capture harmful user-to-user interactions that regularly occur on the app, as described in detail in this Complaint.

63. TikTok knows it is lying and obfuscating about the content available to teens and tweens on the TikTok app, but TikTok does not care unless the lying could harm its reputation or bottom line. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A. Profanity or Crude Humor

64. Profanity on the TikTok app is neither infrequent nor mild.

65. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] For example, a video set to music with these lyrics is available to *all users* on the TikTok app and eligible to be served in any user’s For You Feed: “I just want you to fuck me to sleep. Fuck me so good; 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.” Many videos on the TikTok app that are set to extremely profane language have hundreds of millions of views

66. “Push notifications” are notifications that the TikTok app sends to users’ phones, usually inviting them to engage with content on the platform. [REDACTED]

67. The State’s own research using TikTok after providing a 13-year old’s birthday reveals that videos containing profanity and crude humor appear frequently, are intense on the TikTok app and are visible to minors. These are just a few of many examples:

- A video of a woman saying, “I just got asking who I’m fucking. Like it’s not obvious that I’m fucking tired! I mean. Every now and then I’m fucking up. There’s that.”
- A woman dancing and lip syncing to the lyrics: “I’m a bad lil’ bitch, and I’m snipped like a Barbie/Hips, lips, ass, and a Carti’/I’m his favorite motherfucker/Hello motherfucker (Milf music)/Motherfucker (get to it)/Motherfucker.”
- A video of a woman set to music with the lyrics: “You a drunk bitch with a big butt/I’m a rich nigga with a big gut/Turn around I’mma watch it like a sitcom/I’mma smash, I’mma smash like a fist bump.”
- A man telling a story about prison gangs, including: “I look over at my celly and I say, ‘What the fuck is that? What the shit? What the fuck is that noise?’ And he just goes, ‘That fool next door is losing his fucking mind.’ And I’m like, “what do ya mean he’s losing his mind?” And he says ... ‘That’s him making a piece. That’s him sharpening some metal. He’s been up for like three days, he’s on speed, and he’s losing his fucking mind.’”

68. Videos like these are readily available on the TikTok app, yet Defendants tell consumers in the App Store that “profanity or crude humor” is “infrequent/mild” on the platform. That is deception, a false promise, and a misrepresentation.

B. Alcohol, Tobacco, and Drug Use or References

69. Alcohol, tobacco, and drug use or references on the TikTok app are neither infrequent nor mild.

70. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

71. TikTok also permits alcohol and tobacco content wholly inconsistent with its age-rating representations. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

72. [REDACTED]

[REDACTED]

73. Even when TikTok’s content moderation policies seek to address drug-related content, there are high levels of leakage, meaning that bad drug-related content remains on TikTok’s platform.

74. [REDACTED]

[REDACTED]

[Redacted]

[Redacted]

75. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

76. [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

77. [REDACTED]

78. [REDACTED]

79. The State’s own research using a test account reveals that alcohol, tobacco, and drug use or references appear frequently, are intense on the TikTok app and are visible to minor users. These are just a few of many examples:

- A video of a woman smiling and then showing a wobbly room with the text “This is what ket feels like.” “Ket” is slang for the drug ketamine.
- A video with “3 Tips for Newbies to the Mushies,” about tips when trying hallucinogenic mushrooms for the first time.
- A video of a woman singing: “Took a little bit of acid/Little bit of shrooms/Did that tree just talk or was it you?/I could feel the sun on my skin/Feel my face melting/Existential bliss.”

- Three young men talking during a taped podcast about using shrooms (hallucinogenic mushrooms), and one produces shrooms in a baggie and offers for another to try it. He asks, “But what does it feel like?” And the offeror responds, “You never know unless you try.” The first man then tries some on camera.
- Numerous videos glorifying vape devices, used for tobacco and/or cannabis.
- A video of celebrity Leonardo DiCaprio in a tuxedo wiping his nose with the text, “When it’s summer outside but it’s snowing in the men’s room,” along with a snowflake emoji (slang for cocaine).
- A video with the text: “Me: Should we get a bag tonight?” with a snowflake emoji (slang for cocaine).
- A video superimposed over clear white baggies with the text “Me at 9am looking at the empty bags I’ve just finished off 10 mins ago,” set to music with the lyrics, “And I need you/And I miss you.”

80. Even though videos like these are readily available on TikTok, Defendants tell consumers in the App Store that “alcohol, tobacco, and drug . . . references” are “infrequent/mild” on the platform. That is deception.

C. Sexual Content and Nudity

81. Sexual content and nudity on the TikTok app are neither infrequent nor mild.

82. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

83. In addition, TikTok’s content moderation of sexualized content is subject to high leakage rates. [REDACTED]

[REDACTED]

84. These problems exist for the very worst kind of sexualized material on TikTok: child sexual abuse material (CSAM). [REDACTED]

[REDACTED]

85. TikTok also contains an in-app browser that allows users to click on a link and view an external website without exiting TikTok. Users have been able to use this feature to link to a search engine, then search for and view hard-core pornography—all without leaving the TikTok

app. Young users have been able to use this feature to access hard core pornography through the TikTok app even if parental controls were enabled on their device and would otherwise have prevented the user from accessing this content on an ordinary web browser.

86. The State's own research using TikTok after providing a 13-year-old's birthday revealed abundant sexual content on the TikTok app, including:

- A woman answering why she started an Only Fans account and "carries on" while pregnant and answering: "I want to be rich and I want lots of money."
- A woman describing at length a massage she received at a "rub n tug" massage parlor where a male masseuse put his penis in her hand multiple times.
- Numerous videos of women wearing thong bikinis and shaking or posing in a sexual manner.
- Numerous videos teaching about and glorifying work as a stripper, including a video describing a woman's evening dancing as a stripper in a club and when to "approach the tip rail, It's time to interact and make that money honey;" a video of going to the bank as a stripper to have hundreds of \$1 bills counted; and a video of a woman with the text "Reasons Im a Stripper," "I make 400-2k A Day," "Pole dancing keeps me fit," "I get to pick my own days," "I get to travel wherever I want."
- A video of a woman who describes herself as a "304" (slang for prostitute), dressed in lingerie, with the text "When your client says he's 10 min away but your not mentally ready to see another one ..."
- A long video of "A Dominatrix Guesses Strangers' Kinks," in which a woman asks strangers sexual questions and guesses their kinks, which include choking and auto-fellatio.

- A video of a woman joking about her “degradation kink,” in relation to her partner “passing her around at a party.”
- A video of a woman also joking about her “degradation kink” and set to music with the lyrics: “Welcome to the Internet, hold on to your socks, cause a random guy just kindly sent you photos of his cock, they are grainy and off-putting, he just sent you more ...”
- Numerous videos of sexualized pole dancing routines, including women wearing thong bikinis while pole dancing in sexual routines.
- Numerous videos of “Magic Mike” performances of male strippers dancing and grinding on women on stage.

87. Even though these videos and many others like them are readily accessible on the TikTok app, Defendants tell consumers in the App Store that “sexual content and nudity” is “infrequent/mild” on the platform. That is deception, a false promise, and a misrepresentation.

D. Mature/Suggestive Themes

88. “Mature/suggestive themes” include content related to the topics already described—alcohol, tobacco, drugs, sex, nudity, profanity, and crude humor—as well as other complex themes that are suitable only for adult audiences. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Filter bubbles can occur for all types of content but particularly damage young users when they concern mature or suggestive themes, which can be psychologically harmful. [REDACTED]

[REDACTED]

89. Minors have been exposed at high rates to these types of psychologically damaging content. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

90. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

91. Mature content can pose even greater danger when the TikTok algorithm traps users in a “filter bubble,” which occurs when TikTok’s algorithm gives a user more and more of a single type of content. [REDACTED]

[REDACTED]

[REDACTED]

92. [REDACTED]

93. The State’s own research using TikTok after providing a 13-year old’s birthday reveals that videos containing mature and suggestive themes often occur on the TikTok app and are intense. These are just a few of many examples:

- A video of skinny, female pop idols dancing on stage with text superimposing their weight over their bodies in amounts ranging from 77 to 88 pounds.
- A video with images of a pop star, first of her body “before haters,” in which she has normal body proportions, and then of her body “After hate,” in which she becomes thinner and thinner.
- A video labeled “Idols Who Have Literally Lost Weight to the Bone,” showing extremely thin pop idols dancing on stage.
- A video labeled “3 Idols Who Have Such Tiny Waists, They Actually Pin Their Jeans To Make Them Fit,” and then showing videos of very thin women dancing.
- A video of a young girl dancing with the text, “people always ask me how I stay so skinny,” “wanna know my secret,” “depression.”
- And numerous other videos glorifying extreme thinness.

94. Even though these videos and many others like them are readily available on the TikTok app, Defendants tell consumers in the App Store that “mature/suggestive themes” are “infrequent/mild” on the platform. That is deception.

E. Defendants’ Deceptive Representations in the Google Play and Microsoft Stores

95. Defendants also make the TikTok app available in the Google Play and Microsoft Stores. To do so, they must answer age-rating questions by self-reporting details about the content and features available on the TikTok app. Defendants respond to these age-rating questions in a way that allows them to claim a “T for Teen” age rating for the TikTok app. TikTok knows and intends that Google and Microsoft will convey the “T” for “Teen” age rating to consumers on TikTok’s behalf. 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.”

96. As already described, the content on the TikTok app is not “generally suitable for ages 13 and up” and does not include only the “infrequent use of strong language.” The TikTok app contains “intense ... sexual content and/or strong language.” TikTok’s choice to claim and advertise a “T for Teen” rating in the Google Play and Microsoft Stores is false, deceptive, and misleading. TikTok can accurately claim only an “M for Mature” rating in the Google Play and Microsoft Stores.

F. TikTok Features

97. TikTok’s interactive features pose an additional threat to Montana kids and teens through exposure to adult content *and* harmful and even dangerous exchanges with other users—neither of which comport with a 12+ or “T” for “Teen” age rating.

i. TikTok Live

98. One of these features is called “TikTok Live,” which allows users to broadcast live videos to other users. TikTok promotes some Live content through a feature called “TopLives,” which recommends Live video content to users. Violative content is more likely to appear in Live videos than on the rest of the platform, and young users are more likely to see it. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] All TikTok users—even those under 18—can watch Live content on TikTok.

99. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

100. TikTok Live also facilitates user engagement in dangerous activities such as binge drinking in exchange for compensation.²² The day after Christmas in 2022, one host who had been earning money by taking drinks “bought” for him by other users died of excessive alcohol consumption. Despite being reported to TikTok numerous times, the company failed to terminate the livestream, allowing users to listen in as paramedics arrived and the man passed away.

101. Despite the risks, TikTok has continued to tout a 12+ rating and failed to prioritize meaningful controls for kids. [REDACTED]

[REDACTED]

²² Jessica Lucas, *There’s A Deadly Drinking Problem On TikTok*, HUFFPOST (July 27, 2023), <https://bit.ly/3SE6EgK>.

²³ Aisha Malik, *TikTok is raising the age requirement for TikTok Live, adding adult-only livestreams*, TECHCRUNCH (Oct. 17, 2022), <https://tcrn.ch/47FelJm> (Starting on November 23, users will have to be 18 years old in order to go live on the platform.).

[REDACTED]

102. [REDACTED]

[REDACTED]

103. [REDACTED]

[REDACTED] As TikTok told its Content Advisory Council (“CAC”) in

December 2021,

[REDACTED]

²⁴ *Id.*

[REDACTED]

104. [REDACTED]

[REDACTED]

[REDACTED] This is because livestreaming is a cash cow.

105. TikTok takes a 50% cut of “earnings creators receive through TikTok Live gifts.”²⁵

[REDACTED]

²⁵ *Id.*; see also [REDACTED]

[REDACTED]

106. TikTok could have mitigated these risks at any time by being honest with consumers and raising its age rating, but it has never done so, because that would hurt its bottom line.

ii. Messages and Comments

107. Other interactive features on TikTok, including but not limited to comments and direct messages, easily expose kids to inappropriate content and harmful exchanges with other users, none of which are consistent with a 12+ or “T” for “Teen” age rating.

108. [REDACTED]

109. [REDACTED]

[REDACTED]

110. Because access to Direct Messaging (“DM”) is determined only by the age gate, many minors can access this dangerous feature. So, while TikTok says, “Direct messaging on TikTok is available to[] [r]egistered account holders aged 16 and older,”²⁶ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

111. TikTok has also rolled out group chats,²⁷ [REDACTED]

[REDACTED] Group chats easily facilitate bullying and harassment, and while teens must have at least one mutual follower in a group chat to join it, the other up to thirty people in the chat could be complete strangers. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

iii. Effects

112. TikTok offers all users access to “effects,” which can alter a user’s appearance in a video or livestream. These effects include [REDACTED]

²⁶ *Direct messages*, TIKTOK, <https://bit.ly/47yLaYC> (last visited Oct. 18, 2024).

²⁷ *Share your favorite TikTok moments with Direct Messaging*, TIKTOK (Aug. 12, 2024), <https://bit.ly/4evnXsB>.

[REDACTED]

[REDACTED]

113. These filters pose harm to younger users, particularly girls, including dangers to their mental health and development that are not consistent with a 12+ age rating [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As TikTok knows, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

114. Many teens use these effects. According to a study by Dove, “52% of girls use filters every day and 80% have used an app to change their appearance before the age of 13.”²⁸

And according to one internal analysis, [REDACTED]

[REDACTED]

[REDACTED]

(Comment 10).

115. TikTok’s beauty effects (1) make it easy for teens to self-edit their image in significant ways and (2) surround them with others doing the same, distorting their reality. “In this airbrushed online environment, everyone now has access to their own virtual plastic surgeon.”²⁹

²⁸ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves*, FORBES (Apr. 27, 2021), <https://bit.ly/3TCFXcv>.

²⁹ *Id.*

[REDACTED]

[REDACTED]

II. Defendants’ Deceptive Representations Regarding Restricted Mode

116. TikTok makes false, deceptive, and misleading representations about controls on its platform.

117. TikTok offers “Restricted Mode” to Montana consumers:

If you’d like to limit content with a broader brush stroke, you can turn on 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, so if you find yourself missing videos you want to see, you can switch it back whenever you like. Restricted Mode is also one of the features that a parent or caregiver can turn on when Family Pairing is enabled.³⁰

118. [REDACTED]

[REDACTED]

[REDACTED]

119. Even for the few users with Restricted Mode enabled, Restricted Mode does not work and has never worked the way TikTok claims it does. When Restricted Mode is enabled, users—even users logged in as 13-year-olds—can see mature content (sexual content, nudity, mature and suggestive themes, profanity, and content related to alcohol, tobacco and drugs) on the TikTok app, including content served in the algorithmically-driven For You Feed where users have not explicitly requested it.

120. [REDACTED]

[REDACTED]

³⁰ *Content controls*, TIKTOK (last updated Sept. 10, 2024), <https://bit.ly/3QWyVyp>.

[REDACTED]

121. In a 2021 *Good Morning America* segment about Restricted Mode, the host asked based on her own experience, “My eyeballs are bleeding . . . if that’s Restricted Mode, what’s not restricted?”³¹ [REDACTED]

[REDACTED]

³¹ Good Morning America, *TikTok updates privacy protections for teen users*, at 2:06–2:17, YOUTUBE (Jan. 8, 2024), <https://bit.ly/40Hsvq1>.

122. Yet TikTok touts Restricted Mode as a safety feature without warning parents that Restricted Mode does not meaningfully restrict the visibility of mature content on the TikTok app.

TikTok published a blog post on its website touting the app’s family safety features, including Restricted Mode. *See* Tracy Elizabeth & Alexandra Evans, *Supporting youth and families on TikTok*, TIKTOK (Nov. 17, 2020), <https://bit.ly/3Qy179i>.

123. TikTok currently tells users that “[y]ou shouldn’t see mature or complex themes” on the TikTok app with Restricted Mode enabled, including “[p]rofanity, [s]exually suggestive content, [r]ealistic violence or threatening imagery, [f]irearms or weapons in an environment that isn’t appropriate, [i]llegal or controlled substances/drugs, [and] [e]xplicit references to mature or complex themes that may reflect personal experiences or real-world events that are intended for older audiences.” *Restricted Mode*, TIKTOK, <https://bit.ly/3N8fNvh> (last visited Oct. 18, 2024). That is a deception, a false promise, and a misrepresentation.

124. Mature content is readily available when Restricted Mode is enabled, and TikTok knows it.

III. Defendants’ Deceptive Representations Regarding TikTok’s Community Guidelines

125. TikTok’s Community Guidelines purport to inform users about what content TikTok permits on the app. TikTok says the Community Guidelines “apply to everyone and everything on our platform.” *Community Guidelines, Overview*, TIKTOK (last updated Apr. 2024); *see also* *Community Guidelines* (Mar. 2023); TT-MT-AG-000254027. As TikTok’s CEO recently

stated publicly, “[T]he community guidelines are comprehensive in covering what we think is OK or not OK.”³²

126. TikTok’s Community Guidelines are referenced and accessible by hyperlink in TikTok’s Terms of Service, to which all users must agree when downloading and using TikTok. TikTok’s pages in the various app stores, where consumers download the TikTok app, also reference and provide links to the Terms of Service.

127. TikTok’s Community Guidelines have been updated many times. At all times, however, the guidelines have contained false, deceptive, and misleading representations and omissions that are material to consumers, particularly parents. The Community Guidelines, in various versions, have claimed, among other deceptions and misrepresentations:

- “Our Community Guidelines establish a set of norms and common code of conduct that provide for a safe and welcoming space for everyone.”
- “We will remove any content—including video, audio, livestream, images, comments, links, or other text—that violates our Community Guidelines.”
- “We do not allow the depiction, promotion, or trade of drugs or other controlled substances.”
- “We do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs,” and “[w]e do not allow showing or promoting young people possessing or consuming alcohol, tobacco products, and drugs.”
- “Do not post, upload, stream, or share: ... [c]ontent that depicts or promotes drugs, drug consumption, or encourages others to make, use, or trade drugs or other controlled substances,” or “[c]ontent that depicts or promotes the misuse of legal substances, or instruction[s] on how to make homemade substances, in an effort to become intoxicated.”
- “We do not allow the depiction, including digitally created or manipulated content, of nudity or sexual activity.”

³² Dexter Thomas, ‘*Over Time the Trust Will Come*’: An Exclusive Interview with TikTok’s CEO, WIRED (Feb. 1, 2024), <https://bit.ly/3TwFjgP> (emphasis added).

- “We do not allow sexual activity or services,” including “sex, sexual arousal, fetish and kink behavior, and seeking or offering sexual services.” Also “[n]ot allowed” are “sexual chats, imagery, and pornography” and “[s]exual services, including offering or asking for sexual services (solicitation), sexual chats, imagery, pornography, member exclusive content, and streaming of adult content through a webcam.”
- “Do not post, upload, stream, or share: ... [c]ontent that depicts a sexual fetish,” or “[c]ontent that depicts genitals, buttocks, the pubic region, or female nipples,” or “[c]ontent that contains sexually explicit language for sexual gratification.”
- “We do not allow seductive performances or allusions to sexual activity by young people.”
- “We do not allow semi-nudity or significant body exposure of young people. Content is ineligible for the FYF if it shows body exposure of a young person that may present a risk of uninvited sexualization.”
- “We do not allow content by young people that intends to be sexually suggestive. This includes intimate kissing, sexualized framing, or sexualized behavior. We also do not allow sexually explicit language by anyone.”
- “We do not allow content that may put young people at risk of exploitation, or psychological, physical, or developmental harm.”
- “Seductive performances,” “[s]exualized posing,” and “[a]llusions to sexual activity” by adults are allowed, but TikTok claims to restrict such content to those 18 years and older. And TikTok claims that “[c]ontent is age-restricted if it shows significant body exposure of an adult,” where “significant body exposure” includes “uncovered genitals and buttocks, as well as nipples and areolas of women and girls.”
- “We restrict content that may not be suitable so that it is only viewed by adults (18 years and older).”
- “We allow a range of content on our platform, but some of it is only made available to adults.”

128. As already alleged, drug-related, sexual, and other mature content and profanity is abundant on TikTok and is not restricted to users aged 18 and older. The Community Guidelines

are false, deceptive, and misleading because they create a net impression that these kinds of content are unavailable on TikTok and, in particular, that they are unavailable to minors.

129. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

130. The Community Guidelines did not mention profanity at all until March 2023, when TikTok added that “some artistic content with sexual references, such as song lyrics” is allowed on TikTok. Even this addition is inadequate because, in fact, TikTok exempts song lyrics entirely from the Community Guidelines’ coverage.

131. Later versions of the Community Guidelines have gradually begun offering some descriptions of the mature, adult-only content which TikTok says is permissible but not eligible by policy for recommendation. This is too little, too late. TikTok’s feeble efforts are a tacit admission that prior versions of the guidelines were inadequate to inform consumers about the risks of downloading and using TikTok or allowing their kids to do so. For example, after other states challenged TikTok’s false promise that it prohibits content promoting drugs, TikTok removed that language from the guidelines.

132. The current version of the Community Guidelines retains numerous false, deceptive, and misleading representations, including but not limited to TikTok’s assertion that it restricts adult-only material from children, and that it does not allow content that may put minors at risk.

133. [REDACTED]

[REDACTED] Yet the Community Guidelines do not warn users and parents that Defendants themselves do not and cannot fully enforce them, much less that TikTok's internal policies do not permit the Guidelines to be enforced as they are written. And the Community Guidelines further fail to warn users and parents about the intensity or frequency of mature and vulgar content on TikTok.

IV. Defendants Know TikTok is Addictive and Causes Mental Health Problems But Fails to Warn Consumers

130. TikTok designs its app to be addictive, including to minors, is aware that minors in fact become addicted to its app, and fails to inform minors and their parents about the app's addictive qualities. TikTok also knows that its product causes a range of other mental health problems, particularly in teens.

131. TikTok's profit-generating business model is based on selling advertising, which requires consumer time and attention. In TikTok's own words, [REDACTED]

132. As a result, TikTok has intentionally designed its product to pander to minor and adult users' dopamine reward systems, tethering them to the app, where they will be shown more advertisements, which increases TikTok's revenue and profits. Addictive features of the app include: (1) infinite scroll, (2) the "slot-machine" effect of the way content is presented on the For You Feed, (3) constant and distracting push notifications, (4) autoplay, (5) autoscroll, (6) features featuring ephemeral content such as Live and Stories, and (7) the algorithm itself.

133. Internally, TikTok recognizes it features [REDACTED]

[REDACTED]

134. [REDACTED]

[REDACTED] When a user swipes to the next video it will automatically play without further intervention from the user. TikTok also recently began offering auto *scroll*, which automatically swipes to the next video, removing the last shred of friction requiring users to make an affirmative choice to watch more videos.

135. Features that offer ephemeral content—meaning content that can only be viewed once or for a short period—also are designed to manipulate users into coming back to the app and staying longer. TikTok Live features livestreams, which are only available at the moment a “host” is broadcasting. TikTok Stories features content that is available for only 24 hours.

136. TikTok’s algorithm itself is, and is designed to be, highly addictive. The algorithm recommends a never-ending stream of content to users on their “*For You Feed*” that is acutely personalized, showing content based on users’ interactions with the app and predictions of what users are likely to most engage with in the future. [REDACTED]

[REDACTED]

[REDACTED]

137. As described above, because of the way the algorithm is designed, it can easily push users into a rabbit hole or a filter bubble, which may not only keep users scrolling, but also

viewing and engaging with harmful content in a way they did not seek out and cannot avoid. See Julie Jargon, *TikTok Feeds Teens a Diet of Darkness*, WALL ST. J. (May 13, 2023), <https://on.wsj.com/3qKBx8d>; WSJ Staff, *Inside TikTok's Algorithm: A WSJ Video Investigation*, WALL ST. J. (July 21, 2021), <https://on.wsj.com/3Zo9tUx>. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Despite being aware of this problem, TikTok has failed to solve it or warn users about it.

[REDACTED]

139. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] TikTok's features and algorithm exploit this special vulnerability in minors to increase TikTok's profits at their expense.

140. Just as TikTok knows minors have an especially difficult time resisting its other coercive designs, TikTok also knows minors [REDACTED]

[REDACTED]

[REDACTED] TikTok offers numerous social rewards features that draw teens' attention, including "likes," "follows," and "comments." These features ultimately contribute to excessive use and harmful social comparison with others, who may have more social interactions.

141. TikTok’s effects, including its incredibly realistic beauty filters, also prey upon minors, particularly girls, as described in this Petition. They encourage young users to spend time editing and obsessing over the image they present on TikTok. And they cause, worsen, and otherwise contribute to excessive use, negative and distorted body image, eating disorders, and other harms to teens’ mental and physical health.

[REDACTED] TikTok knows that its coercive designs work. [REDACTED]

[REDACTED]

[REDACTED] According to the Pew Research Center, about 67% of teens are using TikTok and 16% of them use it “almost constantly.” Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, PEW RSCH. CTR. (Aug. 10, 2022), <https://pewrsr.ch/45WAukE>. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

143. TikTok has considered ways to limit its app’s addictive effects for years but refuses to implement effective solutions. TikTok’s “screen time management tools” and “limits” do not actually help users limit their screen time, because they were not designed to do that— [REDACTED]

[REDACTED]

[REDACTED]

144. When TikTok has considered reforms to its app, it does not consider the actual effect on the product’s addictiveness and harms. For example, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

145. Addictive, compulsive, or otherwise unhealthy use of TikTok harms teens. Experts who study the effects of social media platforms (including TikTok), on teens report many dangers, including: (a) social comparison (when everyone else’s life or body looks better online); (b) displacement (social media replacing sleep, exercise, and real interaction); (c) social isolation; (d) increases in depression and anxiety; and (e) disordered eating behaviors. These effects disproportionately affect girls.

146. Numerous scientific studies have demonstrated the harms caused to teens by social media apps, including TikTok. For example, one 2019 study of 6,500 American adolescents ranging in age from 12 to 15 years old found that those who used social media for 3 or more hours each day were more likely to suffer from mental health problems such as anxiety and depression, and this association was significant even after accounting for demographics, past alcohol and marijuana use, and any history of mental health problems.³³

134. Despite all of these harms and dangers associated with their product, Defendants fail to inform Montana consumers about these risks.

V. TikTok’s Deceptive Representations are Relevant and Material

135. Defendants’ deceptive representations—the age ratings and associated statements, the Community Guidelines, and Defendants’ statements about Restricted Mode—are material to the decisions that parents and other consumers make about how, and even whether, to use the

³³ Jacqueline Nesi & Mitchell J. Prinstein, *Using Social Media for Social Comparison and Feedback- Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms*, 43 J. ABNORMAL CHILD PSYCH. 1427, 1427–38 (2015).

TikTok app. Just as parents might determine which movies are appropriate for their children based on the “rating” a movie receives (G, PG, PG-13, or R), parents might also check the age rating of apps before allowing their children to download and use them. Parents may supervise their children’s devices to see which apps their children are downloading or use parental controls to prevent their children from downloading apps with particular age ratings. Parents also read information about apps before allowing their children to download them, and they research apps’ parental-control features.

136. TikTok’s representations and acts are particularly material to Montana parents and other TikTok users because once a TikTok user sees harmful content on the app, it is impossible to “unsee” the harmful material.

137. TikTok knows that parents care about this kind of information. [REDACTED]

[REDACTED]

138. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] TikTok's misrepresentations seek to prevent parents who are unfamiliar with the content on the TikTok app from developing such concerns.

139. Parents also care about safety and parental control features, such as TikTok's Restricted Mode. Parents who use these controls rely on them to do what TikTok says they will do—limit the amount of inappropriate, mature content their kids see. Parents need to know the limits of these so-called “safety” features before they decide whether, and how, to permit their children to use TikTok. Misrepresentations about these safety features are particularly acute and deceptive when combined with TikTok's other deceptive representations.

IV. The Montana Consumer Protection Act

140. The Montana Consumer Protection Act provides that “unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.” MONT. CODE ANN. § 30-14-103.

141. By advertising and offering the TikTok app for general consumers on multiple platforms in exchange for valuable consideration, Defendants engage in “trade or commerce” as defined by MONT. CODE ANN. § 30-14-103.

142. TikTok has and is engaged in “deceptive acts or practices,” *id.*, in several independent ways by making false, misleading, and deceptive representations related to the age rating of its app, and through the willful exaggeration of material facts, and through the omission of material facts regarding the content and features available on its app.

143. The MCPA states that: “It is the intent of the legislature that in construing 30-14-103 due consideration and weight shall be given to the interpretations of the federal trade commission and the federal courts relating to section 5(a)(1) of the Federal Trade Commission

Act.” MONT. CODE ANN. § 30-14-104(1). The FTC in turn defines “deceptive” to mean “likely to mislead consumers acting reasonably under the circumstances.” *See FTC Issues Enforcement Policy Statement Addressing “Native” Advertising and Deceptively Formatted Advertisements*, FED. TRADE COMM’N (Dec. 22, 2015), <https://bit.ly/3N3k1nN>; *see also Enforcement Policy Statement on Deceptively Formatted Advertisements*, at 1, FED. TRADE COMM’N (1983), <https://bit.ly/3BZs7Lf>.

144. TikTok’s deceptive, misleading, and unfair acts and practices are material to the decisions of parents and other TikTok users. TikTok users care about the type and maturity of content and features available on TikTok when deciding whether and how to use (or whether and how to let their children use) the app.

CLAIMS

COUNT I

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices
MONT. CODE ANN. § 30-14-103, *et seq.*
Alcohol, Tobacco, and Drug References

145. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

146. Defendants have represented and are continuing to represent to Montana consumers that the TikTok app contains “infrequent/mild” “Alcohol, Tobacco, or Drug Use or References.”

147. In fact, Defendants know and have reason to know that the TikTok app contains abundant alcohol, tobacco, and drug use or references, which are neither “infrequent” nor “mild” in nature.

148. Defendants’ “infrequent/mild” representation in the App Store is deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of

opinion likely to mislead Montana consumers acting reasonably under the circumstances. Defendants' continuous display of this content to young Montanans constitutes an unfair practice.

149. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT II

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices MONT. CODE ANN. § 30-14-103, *et seq.* Sexual Content and Nudity

150. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

151. Defendants have represented and are continuing to represent to Montana consumers that the TikTok app contains “infrequent/mild” “Sexual Content or Nudity.”

152. In fact, Defendants know and have reason to know that the TikTok app contains abundant sexual content and nudity, which is neither “infrequent” nor “mild” in nature, including pornography.

153. Defendants' “infrequent/mild” representation in the App Store is deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of opinion likely to mislead Montana consumers acting reasonably under the circumstances. Defendants' continuous display of this content to young Montanans constitutes an unfair practice.

154. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT III

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices
MONT. CODE ANN. § 30-14-103, *et seq.*
Mature/Suggestive Themes

155. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

156. Defendants have represented and are continuing to represent to Montana consumers that the TikTok app contains “infrequent/mild” “Mature/Suggestive Themes.”

157. In fact, Defendants know and have reason to know that the TikTok app contains abundant mature/suggestive themes, which are neither “infrequent” nor “mild” in nature, including extreme violence, content related to eating disorders, and content related to suicide or other harmful content that ultimately leads young people to suicide.

158. Defendants’ “infrequent/mild” representation in the App Store is deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of opinion likely to mislead Montana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Montanans constitutes an unfair practice.

159. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT IV

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices
MONT. CODE ANN. § 30-14-103, *et seq.*
Profanity or Crude Humor

160. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

161. Defendants have represented and are continuing to represent to Montana consumers that the TikTok app contains “infrequent/mild” “Profanity or Crude Humor.”

162. In fact, Defendants know and have reason to know that the TikTok app contains abundant profanity and crude humor, which is neither “infrequent” nor “mild” in nature.

163. Defendants’ “infrequent/mild” representation in the App Store is deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of opinion likely to mislead Montana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Montanans constitutes an unfair practice.

164. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT V

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices MONT. CODE ANN. § 30-14-103, *et seq.* 12+ Age Rating

165. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

166. Defendants have represented and are continuing to represent to Montana consumers that the TikTok app qualifies for a “12+” rating in the Apple App Store.

167. In fact, Defendants know and have reason to know that the TikTok app does not qualify for a “12+” rating in the Apple App Store and can only be accurately rated “17+” in the Apple App Store.

168. Defendants’ “infrequent/mild” representation in the App Store is deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of

opinion likely to mislead Montana consumers acting reasonably under the circumstances. Defendants' continuous display of this content to young Montanans constitutes an unfair practice.

169. Defendants' representation that there is *no* violence in its App Store rating description is deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of opinion likely to mislead Montana consumers acting reasonably under the circumstances. Defendants' continuous display of violent content to young Montanans constitutes an unfair practice.

170. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT VI

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices
MONT. CODE ANN. § 30-14-103, *et seq.*
T for Teen Age Rating

171. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

172. Defendants have represented and are continuing to represent to Montana consumers that the TikTok app qualifies for a "T for Teen" age rating in the Google Play Store and Microsoft Store.

173. In fact, Defendants know and have reason to know that the TikTok app does not qualify for a "T for Teen" age rating on those platforms and can only be accurately rated as "M for Mature" (meaning that the TikTok app is appropriate only for users aged 17 and older).

174. Defendants' "T for Teen" age-rating representation is deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of opinion likely

to mislead Montana consumers acting reasonably under the circumstances. Defendants' continuous display of this content to young Montanans constitutes an unfair practice.

175. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT VII

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices MONT. CODE ANN. § 30-14-103, *et seq.* Cumulative Deceptive and Unfair Representations

176. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

177. Defendants have represented and continue to represent to Montana consumers that the TikTok app contains only “infrequent/mild” “Alcohol, Tobacco, and Drug Content,” “Sexual Content and Nudity,” “Suggestive and Mature Themes,” and “Profanity or Crude Humor”; that the app is rated “12+” and is appropriate for children 12 and older; and that the app is rated “T” for “Teen” and is appropriate for teenagers.

178. Defendants know, and have reason to know, that all of those representations are deceptive, false, misleading, omit material facts, and to the extent they are a statement of opinion, are likely to mislead Montana consumers acting reasonably under the circumstances. Those representations are not only deceptive and unfair individually, but *cumulatively*.

179. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT VIII

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices
MONT. CODE ANN. § 30-14-103, *et seq.*
Community Guidelines

180. The State repeats and incorporates by reference each and every allegation contained in paragraphs 1-120 as if fully set forth herein.

181. Through TikTok's Community Guidelines, Defendants represent to Montana consumers that TikTok enforces the Community Guidelines as described and that certain drug-related and sexual content is not allowed to remain on TikTok.

182. In fact, Defendants know and have reason to know that: content that violates the Community Guidelines remains on TikTok and is widely viewed. Through the Community Guidelines, Defendants represent and have represented that certain drug-related and sexual content is not allowed on TikTok, when such content is allowed. Defendants know that they permit mature content on the platform that they fail to disclose to consumers in the Community Guidelines.

183. Defendants' misrepresentations in the Community Guidelines are deceptive, willful and false, omits material facts, and, to the extent it is a statement of opinion, is a statement of opinion likely to mislead Montana consumers acting reasonably under the circumstances. Defendants' continuous display of this content to young Montanans constitutes an unfair practice.

184. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT IX

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices MONT. CODE ANN. § 30-14-103, *et seq.*

Addictiveness and Harmful Design Features

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

186. Defendants have engaged in unfair acts or practices by creating and marketing an app that is intentionally addictive to young people. Defendants have also committed deceptive acts or practices by telling the public both explicitly and implicitly that its app is safe and appropriate for users under age 17, even though its app is actually addictive to these minors.

187. Defendants' unfair and deceptive acts or practices in relation to addictiveness include but are not limited to selecting a "12+" rating in the App Store and a "T" for "Teen" rating in the Google Play and Microsoft Stores.

188. Defendants' other public-facing statements implicitly and explicitly deceive consumers by communicating that their product is safe and appropriate for minors.

189. Defendants have not informed the public at any time that TikTok is addictive—let alone that Defendants have intentionally designed their app to be addictive—or that young users are particularly susceptible to its addictive qualities.

190. By creating an app that is intentionally addictive to young people and placing it into the stream of commerce, all without warning consumers of its addictiveness (and particularly, its addictiveness to minors), Defendants have engaged in unfair acts or practices trade practices in violation of Montana Code § 30-14-103.

191. These practices are material to the decisions of parents and others because TikTok users care about the coercive effects and addictive nature of the app when deciding whether and how to use (or let their children use) the app.

192. Defendants have engaged in these actions knowingly. TikTok has intentionally designed its app to be addictive and is aware that it has an addictive effect on users, particularly minors.

193. This addiction harms Montana minors by substantially affecting their mental health and other aspects of their social growth and wellbeing.

194. Each Defendant knew or reasonably should have known of the facts described here. Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

195. The State is entitled to a permanent injunction prohibiting Defendants from continuing to make misrepresentations and omissions about the addictive qualities of its app to Montana consumers.

196. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

COUNT X

Montana Consumer Protection Act: Unfair and Deceptive Acts or Practices
MONT. CODE ANN. § 30-14-103, *et seq.*
Restricted Mode

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

198. Defendants have represented and continue to represent to Montana consumers that Restricted Mode “limits the appearance of content that may not be appropriate for all audiences.”

Defendants have marketed and continue to market Restricted Mode as a “safety feature” and a tool for parents to restrict the ability of their children to encounter inappropriate content on TikTok.

199. In fact, Defendants know and have reason to know that: Restricted Mode restricts virtually no content available on TikTok; mature content remains widely available to users with Restricted Mode enabled, including in search results and in each consumer’s algorithmically-driven For You Feed; Restricted Mode does not work and has never worked as TikTok claims; and Restricted Mode does not meet consumer expectations in terms of filtering mature content.

200. Defendants’ misrepresentations about Restricted Mode are false, misleading, deceptive, and unfair.

201. The State is entitled to civil penalties not to exceed \$10,000 for each violation, in accordance with MONT. CODE ANN. § 30-14-142.

PRAYER FOR RELIEF

WHEREFORE, the State of Montana, *ex rel.* Austin Knudsen, Attorney General, 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 Defendants’ actions are deceptive and unfair to Montana consumers under MONT. CODE ANN. § 30-14-103, *et seq.*;

B. Permanently enjoin Defendants from continuing to treat Montana consumers unfairly and deceptively in the ways described in these allegations, in accordance with MONT. CODE ANN. § 30-14-111(4);

C. Award the State civil penalties of not more than ten thousand dollars for each violation of the MCPA, in accordance with MONT. CODE ANN. § 30-14-142.

D. Award the State the expenses for expert witnesses, reasonable and necessary costs incurred in pursuing this action, including reasonable attorneys' fees, and prejudgment and post-judgment interest at the highest lawful rates, in accordance with MONT. CODE ANN. § 30-14-131(2);

E. Declare that each Defendant is jointly and severally liable for any and all penalties and money damages awarded;


F. The State demands a jury trial; and

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

Date: October 24, 2024

Respectfully submitted,

AUSTIN KNUDSEN
ATTORNEY GENERAL

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*Applications for admission *pro hac vice* forthcoming