

STATE OF LOUISIANA

SUIT NO.: _____ DIV. ____

VERSUS

21st JUDICIAL DISTRICT COURT

TIKTOK, INC., TIKTOK, LTD.,
TIKTOK PTE., BYTEDANCE, LTD.,
AND BYTEDANCE, INC.

PARISH OF LIVINGSTON

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK

PETITION

1. TikTok—an extremely popular social media app that has worked its way into the phones, computers, and minds of our State’s youth—is rife with profanity, sexual content, violence, mature themes, and drug and alcohol content. TikTok presents 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 Louisianans 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. These claims are 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 Louisiana children and teens.

7. There is no doubt that TikTok has been misleading the public in Apple’s App Store.

[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.” 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

Louisianans 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 misleads the public about these serious risks.

10. The Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1405(A), stands strong against such deceptive and unconscionable acts. The Act declares that “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.” *Id.* The Act charges the Attorney General with enforcing these important protections.

11. The Attorney General intends to do just that. The State of Louisiana seeks, among other appropriate relief, a preliminary and permanent injunction under the Louisiana Unfair Trade Practices 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. Louisiana law also makes it unlawful for a person to “make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public ... an advertisement of any sort regarding merchandise, securities, services, or anything offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.” LA. REV. STAT. § 51:411(A). Accordingly, the Attorney General further seeks an injunction to stop TikTok's false advertising.

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

JURISDICTION AND VENUE

14. This Court has personal jurisdiction over all Defendants.

15. The Defendants operate social media applications and platforms that they have purposefully directed to operate in the State of Louisiana within the applicable statute of limitations. The TikTok app has been downloaded and activated by a device located in Louisiana

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 Louisiana.

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18. 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 Shreveport.

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

20. When a Louisianan registers to use the TikTok app, they enter a contract with TikTok, known as the Terms of Service. The contract is supported by consideration: Louisiana 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 Louisianans’ geographic information: Louisiana 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 Louisianans.

21. TikTok allows Louisiana 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.

1 [REDACTED]

2 [REDACTED]

³ *Creator Academy*, TIKTOK, <https://bit.ly/47EJ4Gw> (Last visited Oct. 2, 2024).

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

⁵ *Privacy Policy*, TIKTOK (last updated Aug. 19, 2024), <https://bit.ly/3OXgKGH>. [The Terms of Service incorporate the Privacy Policy.]

Those items will be shipped to the user, including users within Louisiana. TikTok directly fulfills some of those purchases.

22. Defendants have targeted Louisiana as a market for the TikTok app and sought to gain business and political advantages from Louisiana-based users and their content.

23. [REDACTED]

24. Defendants have availed themselves of the benefit of transacting business in Louisiana through the marketing, sale, and operation of a well-known social media and advertising network. Defendants are aware of their presence in Louisiana and the financial rewards they receive from operating within the State of Louisiana. Defendants can attribute, at a minimum, millions of dollars in revenue to activities in the State of Louisiana.

25. Venue is proper in East Baton Rouge Parish.

PARTIES

26. Plaintiff is the State of Louisiana, *ex rel.* Liz Murrill, Attorney General.

27. Louisiana Revised Statute 51:1404(B) empowers the Louisiana Attorney General to “institute legal proceedings and take such other actions ... which are necessary or incidental to the exercise of his powers and functions” under Louisiana’s Unfair Trade Practices and Consumer Protection Law. LA. REV. STAT. § 51:1401, *et seq.*

28. Louisiana Revised Statute 51:1407 further provides that, “[w]henver the attorney general has reason to believe that any person is using, has used, or is about to use any method, act, or practice declared by R.S. § 51:1405 to be unlawful, he may bring an action for injunctive relief in the name of the state against such person to restrain and enjoin the use of such method, act, or practice.”

29. The Louisiana Attorney General may bring such an action “in the district court having civil jurisdiction in any parish in which such person resides, or is domiciled ... or in any parish in which such person did business,” or “[i]n the event that such person was located outside of the state, but was soliciting in the state by mail, telephone, or any electronic communication, the action may be brought in the district court having civil jurisdiction in the parish in which the contact was made.” LA. REV. STAT. § 51:1407(A).

30. Accordingly, this Court has jurisdiction to hear this dispute, and under Louisiana Revised Statute § 51:1407(A) is further “authorized to issue temporary restraining orders or preliminary and permanent injunctions to restrain and enjoin violations” of the Unfair Trade Practices and Consumer Protection Law. LA. REV. STAT. § 51:1401, *et seq.*

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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

37. 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]

38. 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.

39. [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, *supra*, n. 13 at 5; *see also* Drew Harwell & Elizabeth Dwoskin, *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 supra*, n.7 (emphasis added).

¹² [REDACTED]

[REDACTED]

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

FACTUAL ALLEGATIONS

41. 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. 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.

42. 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.

43. 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.

44. 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]

13
14
15

45. [REDACTED]

46. [REDACTED]

47. [REDACTED]

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

48. 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 downloading lots of apps,” and that app developers like Defendants “have to do your part” to keep kids safe. *Id.* 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.” *Id.* “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.” *Id.* Apple also informs developers, “[Y]ou are responsible for complying with local requirements in each territory where your app is available.” *Id.*

49. 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.

¹⁶ *App Review Guidelines*, APPLE, <https://apple.co/3syB5el> (last visited Oct. 2, 2024).

50. 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.

51. 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+.”

52. 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.”

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

54. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

55. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Apple Resps. to Mont. Att’y Gen. Interrogs.
at 3.

56. [REDACTED]

57. [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.

58. These types of videos 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.

59. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

60. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

61. 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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

62. 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.

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

[REDACTED]

64. [REDACTED]

65. [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.

66. [REDACTED]

[REDACTED]

67. [REDACTED]

[REDACTED]

68. [REDACTED]

[REDACTED]

69. [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.

70. 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.

71. 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

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

73. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

75. Profanity and crude humor on TikTok platform is neither “infrequent” nor “mild.”

These are just a few of many examples of videos TikTok presents to thirteen-year old users:

- i. A video of a woman lip-synced to the lyrics: “Lick me, fuck me, kiss me, tease me, Bitch, take out your titties, I wan’ see ‘em.” This video has been liked more than 65,000 times on the TikTok app.
- ii. A video of a girl in school lip-syncing to the lyrics: “I’m a drop the bitch off when I’m done/ You kiss her on her lips when my dick was on her tongue/ I know what’s going down when her hair in a bun/ you putting all yo’ trust in that bitch.” This video has been liked more than 136,000 times on the TikTok app.
- iii. A video of a girl dancing to the lyrics: “Baby, I’m good at fuckin’, hey/ bring that ass here, let me touch it/ She don’t even notice, I nuttled/ Slow that ass down, got me runnin, bitch/ I’m tryna pull on her sexy red hair/

Snatch off that motherfuckin' bonnet/ She got that good ghetto pussy that put you to sleep/ While she run through your motherfuckin' pockets, nigga.”

This video has been liked more than 295,000 times on the TikTok app.

- iv. A video of two girls in a high school dancing to the lyrics “Lil’ bitch really fuck it up/ On her hand stand, doin’ tricks fuck it up/ If you aint from the gang you get hit with these slugs/ Eight point stand lil’ bitch fuck it up/ on the gang, gang, gang, gang/ Bitch do yo’ thang, thang, thang, thang/ and yo’ bitch in the party getting’ hit by/ The whole damn gang, gang, gang, gang.”

This video has been liked more than 197,000 times on the TikTok app.

- v. A video of a burning cigarette set to the audio: “You know what? My life is fucking miserable! I fucking hate my life, man. I hate it. I’m fucking depressed and fucking miserable. I don’t sleep, I eat like shit, I have no friends, no social life, and I’m fucking miserable.” This video has been liked more than 79,000 times on the TikTok app.

- vi. A video of a drunk man staggering and falling over, with a voice-over saying: “On today’s episode of how fucked up is fucked up? That’s fucked up.” This video has been liked more than 726,000 times on the TikTok app.

76. 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

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

78. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

79. [REDACTED]

[REDACTED]

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

[REDACTED]

81. [REDACTED]

[REDACTED]

82. 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.

83. [REDACTED]

84. [REDACTED]

85. [REDACTED]

86. [REDACTED]

[REDACTED]

87. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

88. 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:

- i. A young man demonstrating how to make and drink an “Angry Bomb” by mixing a can of hard cider with a shot of Fireball cinnamon liquor, a shot of Jameson whiskey, and a shot of Skrewball peanut butter whisky. This video has been liked more than 100,000 times on the TikTok app.
- ii. A young woman in a car mixing a “strawberry rita” premixed cocktail into a Starbucks iced tea drink, with the text, “When I say this mix is dangerous, it tastes like no alcohol,” and the caption, “That shit bomb, got me shaking ass for no reason.” This video has been liked more than 747,000 times on the TikTok app.
- iii. A video of a young woman cleaning out her purse, showing that it is filled with “Zyns” (nicotine pouches), a vaping device, Lexapro (a prescription antidepressant), and a Red Bull energy drink. Someone asks, “That’s your dinner?” She says, “Yeah.” This video has been liked 80,000 times on the TikTok app and was recommended to a 13-year-old user by the For You Feed algorithm.
- iv. A video of a young man listing five things he likes about “Za,” a slang word for marijuana. The reasons include: (1) the smell, (2) you won’t get angry when you are “fried,” (3) the process of using it, (4) that it is plant-based

and therefore organic (“It comes out of the motherfucking ground, dude, how unhealthy could it be?”), and (5) it makes friendships because “it brings people together.” This video has been liked more than 13,000 times on the TikTok app.

v. A video posted by username “BuyMagicBars” of someone making crispy rice treats with hallucinogenic mushrooms. The video has been liked more than 76,000 times on the TikTok app. It was recommended to a 13-year-old user by the For You Feed algorithm.

vi. A video of a young man vaping an entire cartridge of marijuana in a day and describing how he feels while doing it. This video has been liked more than 150,000 times on the TikTok app.

89. [REDACTED]

90. [REDACTED]

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

C. Sexual Content and Nudity

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

93.

[REDACTED]

94. In addition, TikTok’s content moderation of sexualized content is subject to high leakage rates.

[REDACTED]

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

[REDACTED]

96. 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.

97. Sexual content on TikTok is neither infrequent nor mild. These are just a few of many examples:

- i. A video of a black screen and audio of sex noises, tagged as “#whimperingaudio,” “#whimpering,” and “#whimperinggirl.” This video has more than 119,000 likes on the TikTok app
- ii. A video of a young woman in a string bikini, with the audio: “This is a stress toy. Any time you feel the urge to cause chaos, just squeeze.” On the word “squeeze,” she squeezes her breasts.
- iii. A video of a woman pole-dancing in a thong bikini, tagged as “#eroticdance.”
- iv. A video of a woman pulling down her pants to show her thong bikini, then shaking her butt for the camera.

98. 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.

D. Mature/Suggestive Themes

99. “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]

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

[REDACTED]

101. [REDACTED]

102. 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]

103. [REDACTED]

104. Mature themes are neither mild nor infrequent on TikTok. These are just a few of many examples:

- i. A video of a man attacking and choking a woman, with the text “how I let him treat me because he was nice to me once,” and the audio: “No need to ask, just tell me what to do and I’d do it. I don’t care what it is because I’ll

do anything for you.” This video has been liked more than 64,000 times on the TikTok app.

- ii. Three pictures (including one of a girl wiping away a tear) set to music with the words, “if my next attempt works ... js know ... i wont be hurting anymore.” This video has been liked more than 182,000 times on the TikTok app and was recommended to a 13-year-old user by the For You Feed algorithm.
- iii. Pictures set to music with the text: “tw: mention of weight;” “me pretending to sleep so i won’t have to eat breakfast;” “me listening to music to distract myself from thinking about food;” “me trying to eat in front of my family;” “me after overworking myself and almost collapsing;” “me drinking a lot of water so my hunger will go away;” “me showing my mom the food I made knowing as soon as im upstairs I’ll throw it away.” This video was recommended to a 13-year-old user by the For You Feed algorithm.
- iv. A video clip from a movie with the audio, “Girls who eat their feelings,” and “girls who don’t eat anything” with the text: “Me bc it’s either 3000 cal in 30mins or 3cal in 3 days.” This video has been liked more than 125,000 times on the TikTok app and was recommended to a 13-year-old user by the For You Feed algorithm.
- v. A cinematic clip of a pretty girl saying, “Oh wow. ... I didn’t eat for three days so I could be lovely.” This video has been liked 88,000 times on the TikTok app and was recommended to a 13-year-old user by the For You Feed algorithm.

105. 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

106. 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.”

107. 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

108. TikTok’s interactive features pose an additional threat to Louisiana 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

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

110. [REDACTED]

111. TikTok Live also facilitates user engagement in dangerous activities such as binge drinking in exchange for compensation.¹⁸ 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.

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

¹⁸ Jessica Lucas, *There’s A Deadly Drinking Problem On TikTok*, HUFFPOST (July 27, 2023), <https://bit.ly/45yEYhbv>.

¹⁹ 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]

113.

[REDACTED]

[REDACTED] s TikTok told its CAC in December 2021, [REDACTED]

[REDACTED]

114.

[REDACTED]

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

20 *Id.*

115. TikTok takes a 50% cut of “earnings creators receive through TikTok Live gifts.”²¹

[REDACTED]

116. 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

117. 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.

118. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] <https://bit.ly/47S6o3P>.

²¹ *Id.*; see also [REDACTED]

119. [REDACTED]

120. 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,”²² [REDACTED]

121. TikTok has also rolled out group chats,²³ [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]

iii. Effects

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

123. 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]

²² *Direct messages*, TikTok, <https://bit.ly/47yLaYC> (last visited Oct. 2, 2024).

²³ *Share your favorite TikTok moments with Direct Messaging*, TIKTOK NEWSROOM (Aug. 12, 2024), <https://bit.ly/4evnXsB>.

[REDACTED]

[REDACTED] As TikTok knows,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

124. 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.”²⁴ And according to one internal analysis, [REDACTED]

[REDACTED]

125. 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.”²⁵

[REDACTED]

[REDACTED]

II. Defendants’ Deceptive Representations Regarding Restricted Mode

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

127. TikTok offers “Restricted Mode” to Louisiana consumers:

If you’d like to limit content with a broader brushstroke, 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.²⁶

128. [REDACTED]

[REDACTED]

[REDACTED]

²⁴ From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves, FORBES (Dec. 10, 2021), <https://bit.ly/3TCFXcv>.

²⁵ *Id.*

²⁶ *Content controls*, TIKTOK SAFETY CTR. (last updated Sept. 10, 2024), <https://bit.ly/3QWyVyp> (emphases omitted).

129. 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.

130. [REDACTED]

131. 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?”²⁷ [REDACTED]

²⁷ Good Morning America, *TikTok updates privacy protections for teen users*, at 2:06–2:17, YOUTUBE (Jan. 8, 2024), <https://bit.ly/40Hsvq1>.

132. In a deposition in Indiana, a corporate representative of TikTok testified that she “remember[ed] taking a look at [R]estricted [M]ode and saying if this was a space that we would specifically package and present to users as—like a specific family, you know, [a] very family friendly space, but that it was not meeting expectations that families would expect.”

133. 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>.

134. 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.” *TikTok Help Center, Restricted Mode*, TIKTOK, <https://bit.ly/3N8fNvh>. That is a deception, a false promise, and a misrepresentation.

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

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

136. 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. 17, 2024), <https://bit.ly/3zWpZDo>; TT-MT-AG-000254027 (previous versions of Community Guidelines). As TikTok’s CEO recently stated publicly, “[T]he community guidelines are comprehensive in covering what we think is OK or not OK.”²⁸

137. 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.

²⁸ Dexter Thomas, ‘Over Time the Trust Will Come’: An Exclusive Interview with TikTok’s CEO, WIRED (Feb. 1, 2024), <https://bit.ly/3BEIhcN>.

TikTok's pages in the various app stores, where consumers download the TikTok app, also reference and provide links to the Terms of Service.

138. 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.”
- “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.”

139. 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.

140. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

141. 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.

142. 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.

143. 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.

144. The additional information TikTok offers to consumers in the newer versions of the guidelines is also confusing for any reasonable consumer, and at times appears contradictory. For example, the guidelines state: “We do not allow semi-nudity or significant body exposure of young people.” But immediately afterward they say that “[c]ontent is ineligible for the FYF if it shows body exposure of a young person that may present a risk of uninvited sexualization.” The State, much less the average Louisiana parent, cannot understand what the difference is between “significant body exposure of young people” and “body exposure of a young person that may present a risk of uninvited sexualization.” It is not possible to know from the Community Guidelines what level of kids’ body exposure TikTok does or does not allow.

145. [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.

V. TikTok’s Deceptive Representations are Relevant and Material

146. Defendants’ deceptive representations described above—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 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.

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

149. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[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.

150. 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. TikTok's misrepresentations about these safety features are particularly acute and deceptive when considered alongside TikTok's other deceptive representations.

CLAIMS

COUNT I

**Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.*
Alcohol, Tobacco, and Drug References**

151. The State repeats and incorporates by reference each and every allegation above as if fully set forth herein.

152. Louisiana's Unfair Trade Practices and Consumer Protection Law prohibits "unfair or deceptive acts or practices in the conduct of any trade or commerce." LA. REV. STAT. § 51:1405.

153. Defendants have represented and are continuing to represent to Louisiana consumers that the TikTok app contains "infrequent/mild" "Alcohol, Tobacco, or Drug Use or References."

154. 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.

155. 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 Louisiana consumers acting reasonably under the circumstances. Defendants' continuous display of this content to young Louisianans constitutes an unfair practice.

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

157. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana's Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT II

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* Sexual Content and Nudity

158. The State repeats and incorporates by reference each and every allegation above as if fully set forth herein.

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

160. 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.

161. 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 Louisiana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Louisianans constitutes an unfair practice.

162. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT III

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* Mature/Suggestive Themes

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

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

165. 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.

166. 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 Louisiana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Louisianans constitutes an unfair practice.

167. Louisiana is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT IV

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* Profanity or Crude Humor

168. The State repeats and incorporates by reference each and every allegation above as if fully set forth herein.

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

170. 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.

171. 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 Louisiana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Louisianans constitutes an unfair practice.

172. Louisiana is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT V

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* 12+ Age Rating

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

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

175. 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.

176. 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 Louisiana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Louisianans constitutes an unfair practice.

177. 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 Louisiana consumers acting reasonably under the circumstances. Defendants’ continuous display of violent content to young Louisianans constitutes an unfair practice.

178. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT VI

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* T for Teen Age Rating

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

180. Defendants have represented and are continuing to represent to Louisiana consumers that the TikTok app qualifies for a “T for Teen” age rating in the Google Play Store and Microsoft Store.

181. 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).

182. 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 Louisiana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Louisianans constitutes an unfair practice.

183. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT VII

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* Cumulative Deceptive and Unfair Representations

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

185. Defendants have represented and continue to represent to Louisiana 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.

186. 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 Louisiana consumers acting reasonably under the circumstances. Those representations are not only deceptive and unfair individually, but *cumulatively*.

187. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT VIII

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* Community Guidelines

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

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

190. 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.

191. 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 Louisiana consumers acting reasonably under the circumstances. Defendants’ continuous display of this content to young Louisianans constitutes an unfair practice.

192. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT IX

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* Addictiveness and Harmful Design Features

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

194. 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.

195. 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.

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

197. 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.

198. 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 La. Rev. Stat. § 51:1401, *et seq.*

199. 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.

200. 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.

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

202. 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.

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

204. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana's Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT X

Louisiana Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1401, *et seq.* Restricted Mode

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

206. Defendants have represented and continue to represent to Louisiana 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.

207. 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.

208. Defendants' misrepresentations about Restricted Mode are false, misleading, deceptive, and unfair.

209. The State is entitled to a civil penalty not to exceed \$5,000 for each violation of Louisiana's Unfair Trade Practices and Consumer Protection Law, LA. REV. STAT. § 51:1407(B).

COUNT XI

False Advertising, LA. REV. STAT. § 51:411 Alcohol, Tobacco, and Drug References

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

211. TikTok acts “with intent to sell or in any way dispose of merchandise, securities, service, or anything directly or indirectly, to the public” or “with intent to increase the consumption, or to induce the public in any manner to enter into any obligation relating thereto” when it self-reports the age-appropriateness of content on the TikTok application to the App Store and when it selects an age rating in the App Store. LA. REV. STAT. § 51:411(A).

212. When TikTok falsely reports to the App Store that the frequency of “Alcohol, Tobacco, and Drug Use or References” on the TikTok platform “infrequent/mild” or “none,” it has acted to “make, publish, disseminate, circulate, or place before the public ... an advertisement of any sort ... which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.” *Id.*

213. When TikTok falsely reports information about its content to the Google Play and Microsoft Stores, it has acted to “make, publish, disseminate, circulate, or place before the public ... an advertisement of any sort ... which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.” *Id.*

214. Louisiana is entitled to levy a fine of not more than \$2,500 for each violation of Louisiana’s False Advertising law, LA. REV. STAT. § 51:411(E).

COUNT XII

False Advertising, LA. REV. STAT. § 51:411 Sexual Content, Nudity, and Mature/Suggestive Themes

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

216. TikTok acts “with intent to sell or in any way dispose of merchandise, securities, service, or anything directly or indirectly, to the public” or “with intent to increase the consumption, or to induce the public in any manner to enter into any obligation relating thereto” when it self-reports the age-appropriateness of content on the TikTok application to the App Store and when it selects an age rating in the App Store. LA. REV. STAT. § 51:411(A).

217. When TikTok falsely reports to the App Store that the frequency of “Sexual Content or Nudity” and “Mature/Suggestive Themes” on the TikTok platform are “infrequent/mild,” it has acted to “make, publish, disseminate, circulate, or place before the public ... an advertisement of any sort ... which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.” *Id.*

218. When TikTok falsely reports information about its content to the Google Play and Microsoft Stores, it has acted to “make, publish, disseminate, circulate, or place before the public ... an advertisement of any sort ... which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.” *Id.*

219. Louisiana is entitled to levy a fine of not more than \$2,500 for each violation of Louisiana’s False Advertising law, LA. REV. STAT. § 51:411(E).

COUNT XIII

False Advertising, LA. REV. STAT. § 51:411 Profanity or Crude Humor

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

221. TikTok acts “with intent to sell or in any way dispose of merchandise, securities, service, or anything directly or indirectly, to the public” or “with intent to increase the consumption, or to induce the public in any manner to enter into any obligation relating thereto” when it self-reports the age-appropriateness of content on the TikTok application to the App Store and when it selects an age rating in the App Store. LA. REV. STAT. § 51:411(A).

222. When TikTok falsely reports to the App Store that the frequency and nature of “Profanity or Crude Humor” on the TikTok platform is “infrequent/mild,” it has acted to “make, publish, disseminate, circulate, or place before the public ... an advertisement of any sort ... which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.” *Id.*

223. When TikTok falsely reports information about its content to the Google Play and Microsoft Stores, it has acted to “make, publish, disseminate, circulate, or place before the public ... an advertisement of any sort ... which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading.” *Id.*

224. Louisiana is entitled to levy a fine of not more than \$2,500 for each violation of Louisiana’s False Advertising law, LA. REV. STAT. § 51:411(E).

PRAYER FOR RELIEF

WHEREFORE, the State of Louisiana, *ex rel.* Liz Murrill, 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 Louisiana consumers

under the Louisiana Unfair Trade Practices Act, LA. REV. STAT. § 51:1405, *et seq.*

B. Declare that TikTok’s actions constitute false advertising under LA. REV. STAT. § 51:411.

C. Preliminarily and permanently enjoin Defendants from continuing to treat Louisiana consumers unfairly and deceptively in the ways described in these allegations.

D. Award Plaintiff a civil penalty of not more than five thousand dollars per violation of Louisiana’s Unfair Trade Practices and Consumer Protection Law, in accord with LA. REV. STAT. § 51:1416.

E. Award Plaintiff a fine of not more than twenty-five hundred dollars for each false advertising violation, in accord with LA. REV. STAT. § 51:411(E).

F. 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.

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

H. The State demands a jury trial; and

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

Date: October 8, 2024

Respectfully submitted,

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