

IN THE CIRCUIT COURT OF CLEBURNE COUNTY, ARKANSAS  
CIVIL DIVISION

STATE OF ARKANSAS, *ex rel.*  
TIM GRIFFIN, ATTORNEY  
GENERAL

PLAINTIFF

v.

Case No. 12CV-23-65

TIKTOK INC.; TIKTOK PTE.  
LTD.; BYTEDANCE INC.; and  
BYTEDANCE LTD.

DEFENDANTS

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FIRST AMENDED COMPLAINT

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COMES NOW, the State of Arkansas, *ex rel.* Tim Griffin, Attorney General (the “State”), for its First Amended Complaint against TikTok Inc., TikTok Pte. Ltd., ByteDance Inc., and ByteDance, Ltd. (“Defendants”), upon personal knowledge, information, and belief as to its own acts and upon information and belief as to all matters based upon the investigation of counsel, alleges as follows:

I. INTRODUCTION

1. This is a consumer protection action brought to redress and restrain violations of the Arkansas Deceptive Trade Practices Act (“ADTPA”), Ark. Code Ann. § 4-88-101 *et seq.* under which the State seeks an order for an injunction, imposing civil penalties, restitution, and other equitable relief the State is entitled to against Defendants,<sup>1</sup> hereafter also referred to as “TikTok.”

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<sup>1</sup> TikTok Inc. is a for-profit company that operates the TikTok digital application. TikTok Pte. Ltd. is the related corporate entity that nominally makes TikTok available on the Apple App Store, Google Play Store, and the

TikTok operates a digital application of the same name that allows users to create, upload, and share short videos and view and interact with short videos posted by other users.

2. The TikTok app is a Chinese “Trojan Horse” unleashed on unsuspecting Arkansas consumers who have been misled by the company’s false, deceptive, and unconscionable representations about the content on its platform.

3. Tens of millions of minors use TikTok in the United States. [REDACTED]

[REDACTED]

[REDACTED] To lure these children onto its platform or convince parents that it is appropriate for their children to download, TikTok makes a variety of misleading, deceptive, and unconscionable representations and omissions to claim a 12+ rating on the Apple App Store and a “T” for “Teen” rating in the Google Play Store and the Microsoft Store. Once on the platform, many children are exposed to non-stop offerings of mature content that TikTok’s algorithm force-feeds to them. The resulting harm to young people, and society writ large, has been devastating.

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

[REDACTED]

[REDACTED]

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Microsoft Store. ByteDance Inc. earns revenue in the United States from the TikTok application’s operations and directs much about those operations. All of these entities are owned by ByteDance Ltd., a Chinese company. Collectively, these are hereafter referred to as “TikTok.” Throughout this Complaint, the word “TikTok” refers interchangeably to this collective group of Defendants and to the TikTok platform/application.

<sup>2</sup> Many internal documents cited in this complaint are identified by a Bates number prefix. These are documents that Defendants have provided to Montana and Indiana, which are separately investigating claims under their respective state laws. Consistent with the confidentiality agreement governing these documents, these have been made available to Arkansas for purposes of Arkansas’s investigation into Defendants’ unlawful conduct.

[REDACTED]

5. This is by design. TikTok’s business depends on *keeping users engaged*. TikTok knows that its [REDACTED]

[REDACTED]. And while TikTok’s CEO recently claimed that “our goal is not to optimize and maximize time spent,”<sup>3</sup> [REDACTED]

6. The TikTok algorithm promotes and makes available a variety of mature content to 13–17-year-old users throughout the United States, including abundant and intense content depicting alcohol, tobacco, and drugs; sexual content and nudity, mature and suggestive themes; and intense profanity.

7. Content available and promoted to minors on TikTok can and does influence their behavior, causing significant harm, including to communities in Arkansas. For example, several school districts in September 2021 reported the rise “of several unfortunate trends among our youth appearing mostly on the social media app TikTok.”<sup>4</sup> One trend “involves people filming themselves stealing or destroying school property.”<sup>5</sup> A school district has explained that “[s]oap dispensers have been ripped out of the bathrooms, mirrors removed from walls, red dye staining

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<sup>3</sup> *TikTok CEO Shou Chew on Its Future – and What Makes Its Algorithm Different* at 19:50, BING, <https://binged.it/3P1ksis> (last visited Aug. 31, 2023).

<sup>4</sup> Ashley Godwin, *TikTok trend ‘devious licks’ has students vandalizing Arkansas school properties*, THV11 (Sept. 17, 2021), <https://bit.ly/3KYTh7G>.

<sup>5</sup> *Id.*

toilets, tile, and basins, wet floor signs, paper towels, and toilet paper destroyed.”<sup>6</sup> One teenager at an Arkansas high school suffered a concussion after being subject to a dangerous prank called the “skull breaker challenge” that had spread on TikTok.<sup>7</sup> There can be no doubt that TikTok and its virality influence the children of Arkansas.

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

9. At the same time, TikTok’s parent company, ByteDance, operates a parallel application in China called Douyin, which contains many more safeguards for its 13-year-old users. In China, young users under the age of 14 are required to use “Youth” mode and subject to real-name authentication. Those users are limited to 40 minutes of daily use, between the hours of 6 am and 10 pm. Douyin also does not contain or promote the kind of salacious content that TikTok makes available to 13-year-olds in the U.S.; rather, it serves up educational and light entertainment content. Users under 18 are also barred from viewing live broadcasts on Douyin.

10. In short, TikTok poses known risks to young teens that TikTok’s parent company *itself* finds inappropriate for *Chinese* users who are the same age. Yet TikTok pushes salacious and other mature content to all young *U.S.* users age 13 and up for unlimited periods of time, day, and night, to line its pockets with billions of dollars derived from advertising directed to U.S. consumers. And it does so by misrepresenting the frequency and intensity of this content.

11. An essential part of TikTok’s business model is presenting the TikTok application as safe and appropriate for young users between the ages of 13 and 17 because that group is a key demographic for the company and indicative of future growth. In service of that goal, TikTok has

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<sup>6</sup> *Id.*

<sup>7</sup> Fox 16 KLRT, YOUTUBE (Feb. 24, 2020), <https://bit.ly/3sxa8qV>.

misled and deceived Arkansas consumers about the content that is available on the TikTok platform.

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

13. TikTok has communicated to Arkansas consumers that “Alcohol, Tobacco, and Drug References,” “Sexual Content or Nudity,” “Mature/Suggestive Themes,” and “Profanity or Crude Humor” are “Infrequent/Mild” on the platform, when in fact, these types of content are frequent and/or intense on the platform, and TikTok even *helps young users find this content*. Each of these representations is misleading and deceptive standing alone. Their cumulative effect is also misleading, deceptive, and unconscionable. Anyone can visit TikTok’s page in the App Store *right now* and see these representations listed as part of TikTok’s age rating description. These misrepresentations are also highly relevant to the lives of minors and the risks they face. Data from the Centers for Disease Control and Prevention show that 23% of high school students have

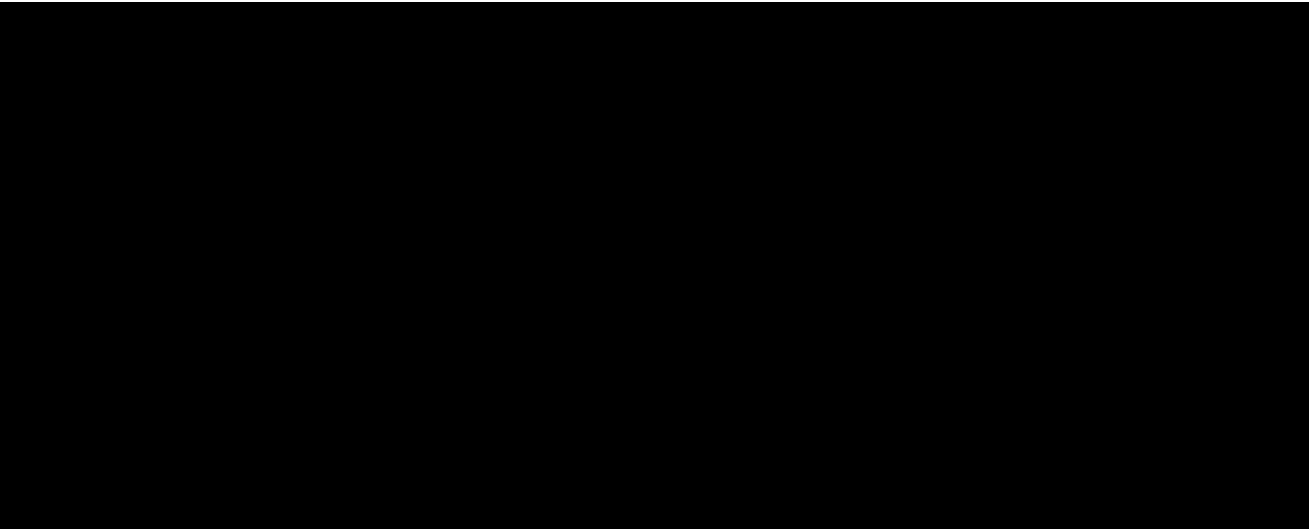
recently used alcohol, 18% have recently used electronic vapor products, 16% have recently used marijuana, and 13% have used illicit drugs (cocaine, inhalants, heroin, methamphetamines, hallucinogens, or ecstasy). Youth Risk Behavior Survey, CDC, at 30, 32, 34, and 49, <https://bit.ly/3lDxaJE>. This data also raises safety concerns about teens' online behavior more generally, with 16% of high school students reporting that they have been electronically bullied, including bullying on social media platforms like TikTok. *Id.*

14. Not only have these misrepresentations misled and deceived Arkansas consumers, they have allowed TikTok to self-select a "12+" age rating for itself in Apple's App Store—a deceptive age rating that inaccurately indicates to Arkansas consumers that the TikTok application is safe and appropriate for users 12 and older. In fact, the only justifiable rating for TikTok in the App Store is "17+" (meaning that the application is, at most, appropriate for users aged 17 and older). TikTok proudly tells the public that "[w]e've given the app a '12+' App Store rating," both on its website and in its "TikTok Guide for Parents," published with the National PTA [REDACTED]

[REDACTED]

[REDACTED]. TikTok's choice to claim a "12+" rating is deceptive and unconscionable.

[REDACTED]



17. TikTok is also required to answer age-rating questions before making its application available in the Google “Google Play” store and Microsoft’s “Microsoft Store.” TikTok’s age-rating answers allow it to display a “T” for “Teen” rating in both of these online stores, which is defined as: “Content is generally suitable for ages 13 and up. May contain violence, suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.”<sup>8</sup> That age rating is misleading and deceptive to consumers because suggestive themes, crude humor, and strong language appear frequently and are intense on the TikTok platform. Based on the actual content of TikTok’s app and the age-rating descriptions employed by the Google Play and Microsoft Stores, TikTok does not qualify for any age rating lower than an “M” for “Mature” rating, which is defined as: “Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.”<sup>9</sup>

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

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<sup>8</sup> *Content ratings for apps and games*, GOOGLE PLAY, <https://bit.ly/3UextFW> (last visited Sept. 11, 2023).

<sup>9</sup> *Age ratings*, MICROSOFT STORE (last visited Mar. 8, 2023), <https://bit.ly/3ihMU2X>.

19. The State of Arkansas further seeks civil penalties and damages in light of TikTok's unconscionable and deceptive conduct, which has harmed and continues to harm Arkansas consumers, plus attorney's fees and costs.

## II. JURISDICTION AND VENUE

20. This Court has jurisdiction over this matter under Ark. Code Ann. § 4-88-104 and the common law of the State of Arkansas.

21. Defendants operate a social media application and platform that they have purposefully directed to operate in the State of Arkansas within the applicable statute of limitations. The TikTok app has been activated by a device located in Arkansas at least hundreds of thousands of times. Defendants are actively serving content to and collecting data from all of those devices and accounts located in Arkansas.<sup>10</sup>

22. Defendants use data collected from Arkansas users, including location-based data, to directly serve content to users in Arkansas. Moreover, the content that Defendants serve to those Arkansas users is informed by those users' presence in or connection with the State of Arkansas.

This location [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED],” and Defendants serve content to Arkansans in the State of Arkansas based on the geographic location of those users.<sup>12</sup>

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<sup>10</sup> Defendant ByteDance Inc.'s Responses and Objections to Plaintiff's First Set of Requests for Admission (Aug. 22, 2023); Defendant TikTok Inc's Responses and Objections to Plaintiff's First Set of Requests for Admission (Aug. 22, 2023).

[REDACTED]

<sup>12</sup> *Id.*



23. TikTok also serves users in Arkansas location-specific advertisements—advertisements that are “targeted at users whose data regarding their approximate location indicates that they are in Arkansas.”<sup>13</sup> For example, the Arkansas Department of Health has spent hundreds of thousands of dollars purchasing advertisements on TikTok as part of its suicide prevention efforts. These advertisement purchases by the Arkansas Department of Health geographically targeted TikTok users located in the State of Arkansas.<sup>14</sup>

24. TikTok enters into advertising contracts with Arkansas businesses and “receives revenue directly from entities located in the State of Arkansas who advertise on the TikTok platform to users of that platform, which include users with Arkansas-based IP addresses.”<sup>15</sup> Indeed, many Arkansas businesses advertise on TikTok.<sup>16</sup>

25. Defendants have availed themselves of the financial rewards of operating within the State of Arkansas. In fact, Defendants are well aware of their presence in Arkansas, the financial rewards for operating within the State of Arkansas, and from serving Arkansans.

26. For the period of May 1 through August 31, 2023, Defendant TikTok, Inc. reported to the Arkansas Department of Finance and Administration taxable sales in Arkansas of \$1,808,956 and state and local remittances of vendor use taxes totaling \$70,313.

27. Defendant TikTok, Inc. also has employees located in Arkansas. In 2021, TikTok, Inc. employed two people in Arkansas with combined wages of \$567,874.71. In 2022, TikTok, Inc. employed five people in Arkansas with combined wages of \$547,395.32.

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<sup>13</sup> Defendant TIKTOK Inc’s Responses and Objections to Plaintiff’s First Set of Requests for Admission (Aug. 22, 2023).

<sup>14</sup> The State continues to investigate such purchases and specifically reserves the right to further amend its complaint to reflect new revelations.

<sup>15</sup> Defendant TikTok Inc’s Responses and Objections to Plaintiff’s First Set of Requests for Admission (Aug. 22, 2023).

<sup>16</sup> *Id.*; Defendant ByteDance Inc.’s Responses and Objections to Plaintiff’s First Set of Requests for Admission (Aug. 22, 2023).

28. TikTok also compensates users in Arkansas for content that they create and post on the TikTok platform.<sup>17</sup>

29. TikTok pays Creators for the content they create. Any user who self-reports being eighteen years old may become a Creator if they have 10,000 followers and 100,000 views each month. Popular TikTok influencers also collect gifts from other users that can be withdrawn from TikTok and transferred out as usable currency to PayPal or other platforms. Any user who self-reports being over eighteen may convert U.S. dollars into digital tokens that can be given to other users.

30. TikTok Shop, an e-commerce platform offered by Defendants, also allows users to shop for and purchase items inside of the TikTok app. These items will be shipped to the user, including users within Arkansas. Some of these purchases are fulfilled directly by TikTok.

31. When Arkansas users register to use the TikTok app, they enter a contract with TikTok, known as the Terms of Service. Under the contract, users gain access to the TikTok app and platform, which they download as a digital product and use as an entertainment service. In consideration of those benefits, users “acknowledge and agree that [TikTok] may generate revenues, increase goodwill or otherwise increase [its] value from your use of the [TikTok] Services, including, by way of example and not limitation, through the sale of advertising, sponsorships, promotions, usage data and Gifts ..., and ... [users] will have no right to share in any such revenue, goodwill or value whatsoever.”<sup>18</sup> TikTok users further “grant [TikTok] a royalty-free license to use [their] name, image, voice, and likeness to identify [them] as the source of any of [their] User Content,” and this includes “the right to use [their] User Content without any obligation to pay royalties to any third party.” *Id.* The Terms of Service include an arbitration

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<sup>17</sup> See, e.g., *Creator Fund*, TikTok (last visited Aug. 18, 2023), <https://bit.ly/47EJ4Gw>.

<sup>18</sup> *Terms of Service*, TIKTOK (last visited Aug. 31, 2023), <https://bit.ly/44AcqTF>.

clause, class action waiver, and other provisions governing the legal relationship between users and TikTok. Upon information and belief, at least hundreds of thousands of Arkansans have agreed to TikTok's Terms of Service contract. TikTok's Terms of Service also incorporate TikTok's "Privacy Policy," which "can be found ... where the Platform is made available for download" or "on your mobile device's applicable app store."<sup>19</sup> Through the Terms of Service and Privacy Policy, TikTok receives its users' 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 in other ways, too. *See* Privacy Policy, ("Advertisers, measurement and other partners share information with us about you and the actions you have taken outside of the Platform, such as your activities ... in stores, including the products or services you purchased, online or in person").

32. Not only are Defendants deploying their services to Arkansas residents and businesses in order to do business *within the State*, but Defendants are also actively doing business *with the State*. Over the past five years, Defendants have sold \$284,967.06 in advertising to the Arkansas Department of Health that was, in part, estimated to reach 500,000 English-speaking TikTok users ages 13-24 located in the State of Arkansas in one instance and 300,000 TikTok users ages 16-24 located in the State of Arkansas in another.<sup>20</sup> This shows that Defendants are not passively offering their services to Arkansas users; they are actively engaging with and exploiting Arkansas users as a target demographic to further enrich themselves. As such, this Court has personal jurisdiction over Defendants for their actions and consequences that occur within the State.

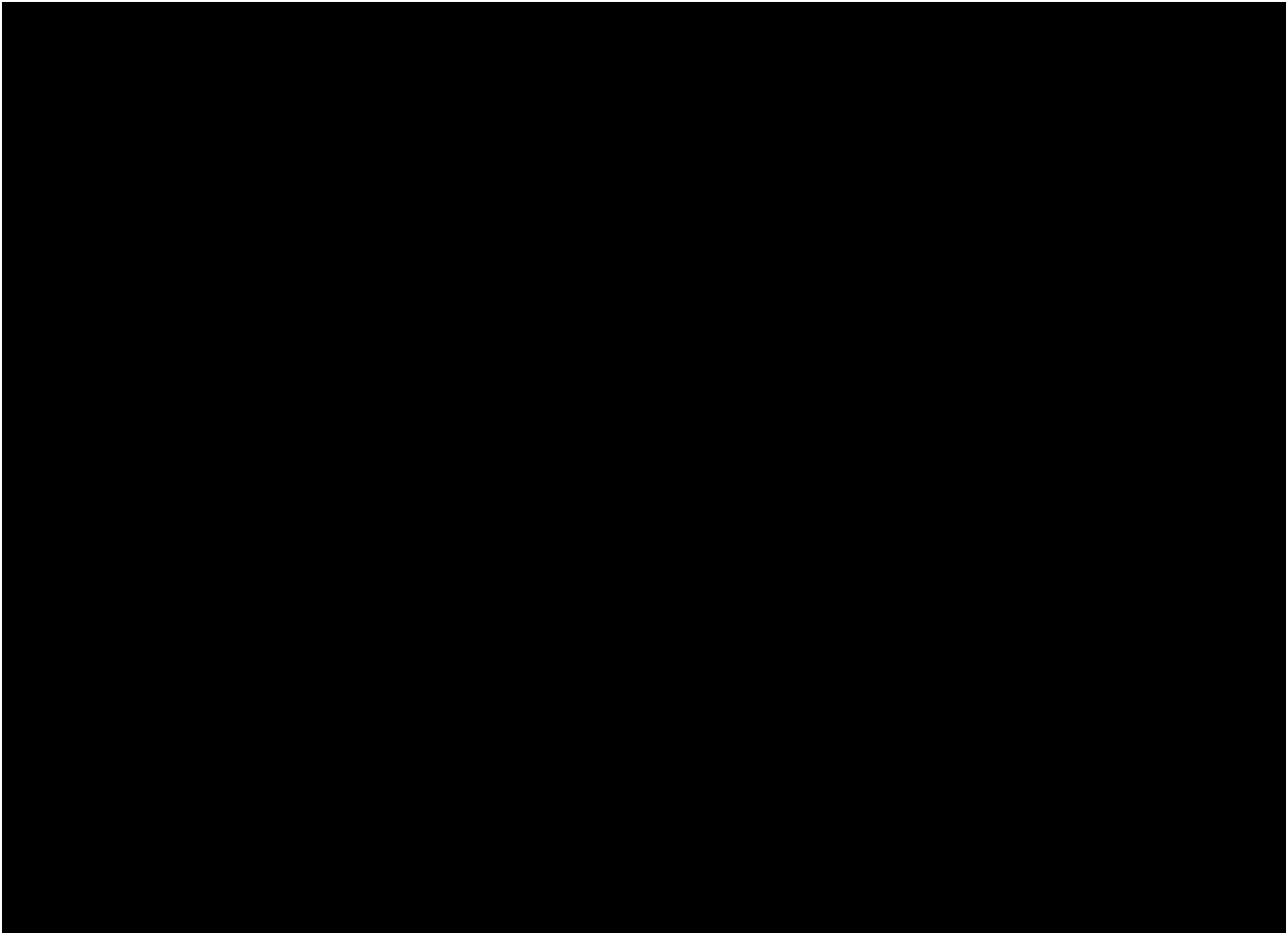
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<sup>19</sup>*Privacy Policy*, TIKTOK, (last visited Aug. 31, 2023), <https://bit.ly/3OXgKGH>.

<sup>20</sup> These figures are a preliminary amount of Arkansas taxpayer dollars which the State has been able to determine it has paid to Defendants as well as Arkansas citizens viewing the video content. The State reserves the right to furnish the Court with a more accurate figure upon the completion of discovery.

33. Defendant TikTok Inc. has also chosen to initiate litigation against the State, and Arkansas precedent illustrates that this, alone, is a contact sufficient to support specific jurisdiction. *See Concrete Wallsystems of Arkansas, Inc. v. Master Paint Industrial Coating Corp.*, 95 Ark. App. 21, 25, 233 S.W.3d 157, 160 (2006) (Court of Appeals finding that Master Paint “had one contact that was sufficient to subject it to the jurisdiction of our courts,” namely, it filed the materialman’s lien in Arkansas). TikTok Inc., through its membership in NetChoice, LLC, a trade association for internet companies of which they are members, has invoked the jurisdiction of courts in Arkansas and sought the assistance and protection of courts in Arkansas in resolving a dispute with the State. On June 29, 2023, NetChoice, LLC, filed a lawsuit against the Attorney General in his official capacity attacking the State’s recently enacted Social Media Safety Act in the United States District Court for the Western District of Arkansas. *See NetChoice, LLC v. Tim Griffin, in his Official Capacity as Attorney General of Arkansas*, Case No. 5:23-cv-05105 (Doc. 2). The Social Media Safety Act, Act 689 of 2023 (“Act 689”) protects minors from the harmful and predatory environments of social media by requiring all potential users to verify their age and by requiring minors to have parental permission to create an online profile. NetChoice sued the Attorney General “on its members’ behalf” to prevent the purported “economic and other injuries” that Act 689 would cause them absent judicial relief. Compl. ¶ 6, *NetChoice*, (Doc. 2). In its court filings, NetChoice has specifically identified TikTok, Inc. as one of its members that would allegedly be harmed by Act 689. *Id.* The Honorable Timothy L. Brooks, in granting a preliminary injunction, found that NetChoice had standing to bring First Amendment claims on behalf of Arkansas’s users. “The Court therefore concludes that NetChoice – like the booksellers’ association in the [*Virginia v. American Booksellers Assoc. Inc.*, 484 U.S. 383, 393 (1988)] case – is in a unique position to advocate for the rights of Arkansas users and may properly do so here.” *See* Mem. & Op. Order,

*NetChoice* (Doc. 44, p. 29) The Court found that NetChoice asserted “a constitutional claim on behalf of Arkansans.” *Id.* at 22. Given this invocation of the jurisdiction of a court in Arkansas on behalf of TikTok, Inc., Defendant TikTok, Inc. should reasonably anticipate becoming involved in other related litigation in Arkansas. Since Defendant TikTok, Inc., through their agents, are already litigating in and against the State, like in *Concrete Wallsystems*, they should reasonably anticipate being haled into court here.



35. At all relevant times mentioned herein, the Defendants collectively controlled all aspects of the operation, planning, management, policies, and development of the Facebook and Instagram social media platforms.

36. This Court has personal jurisdiction over Defendants under Ark. Code Ann. § 16-4-101B and the Constitution of the United States because Defendants conduct business in the State of Arkansas, purposely directed their actions toward the State of Arkansas and its citizens residing within the State, as well as purposefully availed themselves of the benefits of transacting business with and within Arkansas and with its citizens, such that the Defendants have accumulated the requisite minimum contacts with Arkansas necessary to permit the Court to exercise its jurisdiction.

37. Venue is proper under Ark. Code Ann. §§ 4-88-104, 4-88-112, 16-60-103 and the common law of the State of Arkansas.

### **III. PARTIES**

38. Plaintiff is the State of Arkansas, *ex rel.* Tim Griffin, Attorney General. Pursuant to Ark. Code Ann. §§ 4-88-104 and 4-88-113, the State may seek civil enforcement of the ADTPA.

39. Defendant TikTok Inc. is a for-profit entity incorporated in the State of California, which operates a social media application and platform known as “TikTok.” TikTok Inc. is headquartered at 5800 Bristol Pkwy, Culver City, CA, 90230-6696. TikTok Inc. has a valuation of at least \$50-75 billion. TikTok Inc. made nearly \$4 billion in revenue in 2021 and an estimated \$10–12 billion in 2022. At all times relevant to this action, Defendant TikTok Inc. was a control person within the meaning of Ark. Code Ann. § 4-88-113(d) and is jointly and severally liable for its violations of the ADTPA, as well as any violations of the ADTPA committed by its subsidiaries.

40. Defendant TikTok Pte. Ltd. is a related corporate entity, which is headquartered at 1 Raffles Quay, #26-10, South Tower, Singapore 048583. This related corporate entity is nominally listed on the Apple App Store, Google Play Store, and Microsoft Store. At all times relevant to this action, Defendant TikTok Pte. Ltd. was a control person within the meaning of

Ark. Code Ann. § 4-88-113(d) and is jointly and severally liable for its violations of the ADTPA, as well as any violations of the ADTPA committed by its subsidiaries.

41. Defendant ByteDance Inc. is a for-profit entity incorporated in the State of Delaware. ByteDance is headquartered at 250 Bryant St, Mountain View, CA, 94041. At all times relevant to this action, Defendant ByteDance Inc. was a control person within the meaning of Ark. Code Ann. § 4-88-113(d) and is jointly and severally liable for its violations of the ADTPA, as well as any violations of the ADTPA committed by its subsidiaries.

42. Defendant ByteDance Ltd. is a multinational internet technology holding company and is the parent company of TikTok Inc, TikTok Pte. Ltd., and ByteDance Inc. ByteDance Ltd. is headquartered in Room 503 5F, Building 2, 43 North Third Ring West Road, Beijing, 100086 China and registered in the Cayman Islands at C/O Vistra (Cayman) Limited, P. O. Box 31119, Grand Pavilion, Hibiscus Way, 802 West Bay Road, Grand Cayman, KY1 – 1205. ByteDance Ltd. is valued at more than \$400 billion. ByteDance Ltd. reported \$58 billion in revenue in 2021. At all times relevant to this action, Defendant ByteDance Ltd. was a control person within the meaning of Ark. Code Ann. § 4-88-113(d) and is jointly and severally liable for its violations of the ADTPA, as well as any violations of the ADTPA committed by its subsidiaries.

43. ByteDance exercises control over TikTok. TikTok’s algorithm was created by ByteDance and still belongs to ByteDance.<sup>21</sup> High-level ByteDance employees serve in dual roles for ByteDance and TikTok.<sup>22</sup> In April 2021, TikTok’s current CEO, Shou Zi Chew, was named as CEO of TikTok while also serving as CFO of ByteDance Ltd.<sup>23</sup> He reports to the CEO of

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<sup>21</sup> June 2022 Letter to U.S. Senators at 4; Z. Xin and T. Qu, *TikTok’s algorithm not for sale, ByteDance tells US*, SOUTH CHINA MORNING POST (Sept. 13, 2020), <https://bit.ly/3Uje9HQ>.

<sup>22</sup> Pappas Decl. ¶ 1, Doc. 15-3, *TikTok Inc. v. Trump*, No. 20-cv-02658 (D.D.C. Sept. 23, 2020); Cloutier Decl. ¶ 1–2, Doc. 15-2, *TikTok Inc. v. Trump*, No. 20-cv-02658 (D.D.C. Sept. 23, 2020).

<sup>23</sup> *TikTok Names CEO and COO*, TIKTOK (Apr. 30, 2021), <https://bit.ly/3OVyvWh>; R. Mac and C. Che, *TikTok’s CEO Navigates the Limits of His Power*, N.Y. TIMES (Sept. 16, 2020), <https://nyti.ms/3OT6grk>.

ByteDance. Public reporting sourced from former TikTok and ByteDance employees confirm that ByteDance exercises functional control over TikTok and its employees.<sup>24</sup> TikTok’s Trust and Safety teams, who are responsible for developing TikTok policies, creating and implementing safety and parental control features, and reviewing and investigating problematic content on the app—essentially all or most of the key functions related to the unconscionable and deceptive conduct alleged in this complaint—report to the General Counsel of ByteDance, and only secondarily to the TikTok CEO.<sup>25</sup> Employees can use a TikTok and a ByteDance email address interchangeably, and both email addresses use a single inbox. At all times relevant to this action, ByteDance was a controlling person within the meaning of Ark. Code Ann. § 4-88-113(f).

#### IV. FACTUAL ALLEGATIONS

##### A. What TikTok Is

44. TikTok is a social media platform that centers on short videos created and uploaded by users and often set to music. TikTok is available as an application to download on smartphones and tablets, and most TikTok users interact with the platform through an application. Users can download the TikTok application from the Apple App Store, the Google Play Store, or the Microsoft Store. TikTok was the most downloaded app globally in 2022.<sup>26</sup>

45. TikTok users register and create a profile to access the platform. In doing so, TikTok users answer questions about themselves and provide their birthdays. A user can only

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<sup>24</sup> E. Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots*, FORBES (Sept. 21, 2022), <https://bit.ly/3XTSnNE>; E. Baker-White, *A China-Based ByteDance Team Investigated TikTok’s Global Security Chief, Who Oversaw U.S. Data Concerns*, FORBES (Oct. 25, 2022), <https://bit.ly/3B3v5Lt>; E. Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots*, FORBES (Sept. 21, 2022), <https://bit.ly/3XTSnNE>; S. Rodriguez, *TikTok insiders say social media company is tightly controlled by Chinese parent ByteDance*, CNBC (June 25, 2021), <https://cnb.cx/3NYLiXS>.

<sup>25</sup> See D. Harwell and E. Dwozkin, *As Washington Wavers on TikTok, Beijing Exerts Control*, WASH. POST (Oct. 28, 2022), <https://wapo.st/3VjMvLV> (emphasis added).

<sup>26</sup> D. Curry, *Most Popular Apps (2023)*, BUSINESSofAPPS (Feb. 28, 2023), available at <https://www.businessofapps.com/data/most-popular-apps/>.



access the platform if he provides a birthday indicating that he is 13 years old or older. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

47. TikTok’s “For You” feed is a never-ending, algorithmically-personalized stream of videos provided to a TikTok user upon logging into the TikTok application. In TikTok’s words:

When you open TikTok and land in your For You feed, you’re presented with a stream of videos curated to your interests, making it easy to find content and creators you love. This feed is powered by a recommendation system that delivers content to each user that is likely to be of interest to that particular user. Part of the magic of TikTok is that there’s no one For You feed – while different people may come upon some of the same standout videos, each person’s feed is unique and tailored to that specific individual.<sup>27</sup>

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

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<sup>27</sup> *How TikTok recommends videos #ForYou*, TIKTOK (June 18, 2020), <https://bit.ly/3NuYeUY>.

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

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

51. The TikTok application collects data about a user’s location and uses this data to make the application profitable. Collected geographic data has ranged from precise location data to IP addresses and general location information. TikTok uses this information to target advertisements to particular users and to hone the TikTok algorithm’s ability to keep users on the platform. Collecting geographic data is a core element of TikTok’s business model.

**B. TikTok Offers Its Application With a “12+” Rating in the App Store and TikTok Self-Reports That Numerous Mature Themes on TikTok Are “Infrequent/Mild”**

52. TikTok makes its TikTok application (“app”) available to Arkansas consumers to download in the Apple App Store.

53. TikTok must submit its TikTok app to the App Store before it will be made available to consumers there. As part of the submission process, the App Store asks TikTok a series of “Age Rating” questions, which TikTok must answer each time it submits a new version of the TikTok app, something it has done dozens of times. Those answers determine the app’s age rating. TikTok submits this information to Apple with full knowledge that this age rating and certain additional

details about categories of content available on the app will in turn be used to automatically populate consumer-facing disclosures about the TikTok app on TikTok's App Store page.

54. Apple's "age-rating" questions inquire about several thematic content categories, and the app developer is prompted to select "the level of frequency for each content description that best describes your app." The developer may select "none," "infrequent/mild," and "frequent/intense." The categories include "Alcohol, Tobacco, or Drug Use or References," "Sexual Content or Nudity," "Mature/Suggestive Themes," and "Profanity or Crude Humor."

55. When application developers answer the age-rating prompts, the App Store generates a recommended age rating. One such age rating is the "12+" rating. Applications with a "12+" rating are appropriate for consumers ages twelve and older. Apple defines its "12+" rating by saying that applications with that rating may contain "infrequent mild language" or "mild or infrequent mature or suggestive themes." *Get Started: Age Ratings*, APPLE, <https://apple.co/3ydIBeh> (last visited Sept. 11, 2023).

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

57. If an app developer answers the age-rating prompts and receives an age rating recommendation lower than "17+," the app developer may nonetheless self-select the higher age rating of "17+."

58. Currently, TikTok displays a "12+" rating in the App Store, and its page contains the following explanations and descriptions related to that rating: "Infrequent/Mild Sexual Content

and Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References,” and “Infrequent/Mild Profanity or Crude Humour.” *TikTok*, APPLE APP STORE, <https://apple.co/3SQAI6f> (last visited Sept. 11, 2023).

59. [REDACTED]

[REDACTED] Consumers could scroll to the bottom of the TikTok page in the App Store and find the following age-rating description listed there: “Infrequent/Mild Sexual Content or Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” and “Infrequent/Mild Profanity or Crude Humor.” Upon information and belief, version 24.2.0 of the TikTok app was made available in the App Store on May 4, 2022.<sup>28</sup>

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

61. But because TikTok selected [REDACTED] in response to the “Alcohol, Tobacco, or Drug Use or References” prompt, the “Sexual Content or Nudity” prompt, the “Mature/Suggestive Themes” prompt, and the “Profanity or Crude Humor” prompt, TikTok was

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<sup>28</sup> *TikTok*, APPLE APP STORE, <https://apple.co/3Y25OLy> (last visited Aug. 18, 2023) (“Version History” section).

able to market its application in the App Store with a 12+ rating. [REDACTED]

[REDACTED]

[REDACTED]

62. At all times relevant to this action, TikTok was aware its self-reported answers to the App Store’s age-rating questions would generate an age rating that would be prominently displayed for consumers on the TikTok app’s page in the App Store. TikTok intended its age-rating statements to be communicated directly to consumers when they view the TikTok app’s page in the App Store. TikTok regularly relies on Apple (and Google and Microsoft) to communicate important information about its products and services to consumers. In the TikTok Terms of Service, TikTok incorporates the “Privacy Policy” and “Community Guidelines,” which “can be found ... where the platform is made available for download, [or] on your mobile device’s applicable app store, and are incorporated herein by reference.”

63. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

64. [REDACTED]

[REDACTED]

65. TikTok has touted and claimed responsibility for its 12+ age rating in other contexts, including public-facing documents and guides for parents. [REDACTED]

[REDACTED]

66. [REDACTED]

[REDACTED]

67. Similarly, TikTok is required to answer age-rating questions before making its application available for download in Google’s “Google Play” store and Microsoft’s “Microsoft Store.”<sup>29</sup> In both alternate stores, TikTok has claimed a “T” for “Teen” rating. [REDACTED]

[REDACTED] A “T” for “Teen” rating is defined as: “Content is generally suitable for ages 13 and up. May contain violence, suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.” By contrast, an “M” for “Mature” rating is defined as: “Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.”<sup>30</sup> TikTok knows and intends that Google and Microsoft will convey the “T” for “Teen” age rating to consumers.

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

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<sup>29</sup> *Content ratings for apps and games*, GOOGLE PLAY, <https://bit.ly/3UextFW> (last visited Sept 11, 2023); *Age ratings*, MICROSOFT STORE (last visited Sept. 11, 2023), <https://bit.ly/3ihMU2X>.

<sup>30</sup> *Content ratings for apps and games*, GOOGLE PLAY, <https://bit.ly/3UextFW> (last visited Mar. 8, 2023).

69. An application’s age rating is material to consumers, and particularly parents. Just as a parent might determine which movies are appropriate for their children to watch based on the “rating” the movie receives (G, PG, PG-13, or R), so too do parents check the age rating of 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 they can use parental controls to prevent their children from downloading apps with particular age ratings. For example, a parent may use parental controls on a 13-year-old’s iPhone to automatically prevent the 13-year-old child from downloading any app with a 17+ age rating. By telling parents the TikTok app qualifies for a 12+ and T for Teen rating when it in fact only qualifies for 17+ or M for Mature ratings, TikTok misleads and deceives parents into permitting their children to download and use the TikTok app.

### C. TikTok’s “Restricted Mode”

70. TikTok offers users a feature called “Restricted Mode,” which is available in the mobile app. Users set a passcode that enables “Restricted Mode,” which can later be turned off by entering the same passcode.

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

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

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

72. [REDACTED]

[REDACTED]

[REDACTED]

Even for those users who do have Restricted Mode enabled,

the setting fails to prevent mature content from being visible to young users; on TikTok, a vast library of intense sexual content, intense suggestive content, intense drug, alcohol, and tobacco content, and intense profanity is available to users with Restricted Mode turned on.

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

73. TikTok has misled and deceived Arkansas consumers by offering its app with a “12+” rating in the App Store, while knowing that the app contains abundant amounts of content about alcohol, tobacco, and drug use or references.<sup>31</sup>

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

75. TikTok permits users to search for *thousands* of alcohol-, tobacco-, and drug-related terms (including common misspellings). For example, “#drinkinggame” is an operative hashtag on TikTok with 2.0 billion views. Most of the top videos returned when searching for that hashtag are actual drinking games. One top video result for #drinkinggames shows a user making colorful cards and a board for the game, “Blackout,” which involves players taking shots, twerking, and removing clothing. It has 2.4 million views.<sup>32</sup> In another video result for #drinkinggames, a user displays cards for the game, “Kinkies Get Legless,” wherein players take multiple shots and “passionately kiss” and bite the lips of other players. It has 1.2 million views.<sup>33</sup> Another video shows a game involving driving an RC car through a maze of alcoholic beverages and then consuming anything that the RC car knocks over. It has 1.6 million views.<sup>34</sup>

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<sup>31</sup> Note that, in Arkansas, it is illegal for minors to possess alcohol, Ark. Code Ann. § 3-3-203, or marijuana recreationally, Ark. Code Ann. § 5-64-419(b)(5).

<sup>32</sup> drinkingamesss (@drinkingamesss), TIKTOK (Feb. 9, 2023), <https://bit.ly/420GvM3>.

<sup>33</sup> Legless Games (@getlegless), TIKTOK (Sept. 17, 2022), <https://bit.ly/3ZSIO2M>.

<sup>34</sup> Shotaholics (@shotaholics), TIKTOK (June 1, 2021), <https://bit.ly/3mGs93a>.



76. Cannabis content is also abundant on the TikTok platform—despite the fact it is illegal in all fifty states for those under 18 to use cannabis recreationally. For example, the search term “canna recipes” provides thousands of videos depicting how to infuse cannabis into butter or other edibles to then cook with or consume. Searching for “edible3” leads to more cannabis recipes and “#edibl” is an operative hashtag for videos with over twenty million views. Searching for “canna gummies” returns thousands of videos of users making and/or consuming cannabis-laced gummies. Searching for “ediblestiktok gummies” returns videos advertising cannabis-laced gummies for sale and videos showing users getting high by eating cannabis gummies. One video shows a young man consuming cannabis edibles repeatedly throughout the course of an entire day, and that video has 13.3 million views.<sup>35</sup>

77. 

78. TikTok not only allows but *encourages* users to search for alcohol-, tobacco-, and drug-related content on the TikTok platform. While TikTok has disabled search results for some common terms for alcohol, tobacco, and drugs, it actually *recommends* related searches to users through its Autocomplete feature. This means that users who merely type in a snowflake emoji will receive autocomplete suggestions for cocaine, including: “[snowflake][bunny] girls”, “[snowflake]caine”, “[snowflake] line”, and “[snowflake] nose hole.” Typing “edib” into the TikTok search bar offers the Autocomplete suggestion “ediblessmallbusiness treat,” which return many cannabis videos that are attractive to young users, such as videos showing sweet gummy candies made from melted gummy bears laced with cannabis. Typing “alch” into the TikTok search bar will offer users suggested searches that return thousands of videos about using alcohol, including videos about hiding alcohol from parents and making alcohol taste like candy.

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<sup>35</sup> The Food Guy (@tommywinkler), TIKTOK (Sept. 21, 2021), <https://bit.ly/3VK8hIH>.

Meanwhile, “drin” yields “drinkrecipes” and “drinkingcardgame.” Similarly, users who merely type “shr” into the TikTok search bar will be offered search terms that lead to thousands of videos about hallucinogenic mushrooms, called “shrooms.” A search for “shroomtok” returns no search results but the misspelling “shroomtok” returns many relevant results, including individuals consuming shrooms while placing a mushroom emoji over the drug to disguise it (while clearly stating that they are consuming hallucinogenic mushrooms).

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

**E. TikTok Knows That Its “12+” Rating and Its Statement That “Alcohol, Tobacco, and Drug Use or References” Are “In frequent/Mild” Is Incorrect, and Therefore Unconscionable and Deceptive to Arkansas Consumers**

80. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

81. [REDACTED]

[REDACTED]

[REDACTED]

82. [REDACTED]

[REDACTED]

[REDACTED]

83. [REDACTED]

[REDACTED]

84. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

85. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

87. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>36</sup> Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall Street Journal (Sept. 8, 2021), <https://on.wsj.com/3OIdj6r>.

[REDACTED]

[REDACTED]

88.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

89.

[REDACTED]

[REDACTED]

[REDACTED] During his testimony before the U.S. House Committee on Energy and Commerce, TikTok CEO Shou Chew stated that “*anything* that is violative and harmful, we remove.” Testimony 1:17:42–48 (emphasis added). That statement is deceptive. It is only the content TikTok finds and then decides to remove that is in fact removed. [REDACTED]

[REDACTED]

[REDACTED] Chew later said that “dangerous content that violates [TikTok’s policies], we remove them. When we see them, we actually remove them from the platform.” Testimony 3:43:57–3:44:04. But that too is deceptive. TikTok fails to take down many of the videos containing dangerous content it claims to see because its own policies are not uniformly applied when reviewing, managing, and removing dangerous content in the thousands of videos added daily. Whether through impotent policies or insufficient staffing, TikTok operates a business platform that invites minors while knowing it misses a significant amount of content depicting illegal drug use, sex, violence, and self-harm [REDACTED]

[REDACTED]

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

91. In fact, the proliferation of this content is a feature, not a bug, of the TikTok app and its powerful algorithm. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

92. [REDACTED]

[REDACTED]

[REDACTED]

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

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

[REDACTED]

[REDACTED]

94. Pole dancing videos are commonplace on TikTok, including videos of a man and woman pole dancing together or two men pole dancing together, and these videos often have millions of views.<sup>37</sup> The phrases “exoticpole,” “exoticpoledancer,” and “poledancer” are all searchable on TikTok and return pole dancing videos with millions of views. These searches lead to individual users with numerous videos of sexualized dance routines, typically performed by people wearing thong underwear.

95. Pegging is a term used to refer to sexual intercourse in which a woman wears a dildo and penetrates a man’s anus. While TikTok does not allow searches for the word “pegging” on its platform, TikTok allows searches for many other terms that lead to the same content, including “p3gging,” “pegtok,” and “pegging.” Results returned by these hashtags include: a video of a professional mistress discussing her experiences with pegging and “anal play” (3.7 million views)<sup>38</sup>; a video about pegging that includes a sex toy (2.8 million views)<sup>39</sup>; and a video that includes the text “he finally let me peg him” (3.9 million views).<sup>40</sup> The search “he finally let me peg him” returns numerous videos in which women say that their male partners have “finally let me peg him.”

96. Domination and submission are sexual kinks that refer to one partner dominating and another partner submitting during sex. Numerous videos on TikTok describe and glorify these activities, including: a video of a dominant and submissive partner with a belt (35 million views);<sup>41</sup>

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<sup>37</sup> Anysia Shung (@annysiia), TIKTOK (Oct. 13, 2021), <https://bit.ly/3ujaD5x> (2.8 million views) (available to all users registered as adults, but not 13 year olds); Guilherme Ambrosio (@gui\_ambrosio), TIKTOK (Jan. 17, 2022), <https://bit.ly/3VJcvjK> (1.5 million views) (available to 13 year old+); Guilherme Ambrosio (@gui\_ambrosio), TIKTOK (Apr. 18, 2022), <https://bit.ly/3ugYvIL> (3 million views) (available to 13 year old+); Brianna Leigh (@veganbrianna), TIKTOK (Aug. 24, 2021), <https://bit.ly/3H1ELKp> (1.1 million views) (available to all users registered as adults, but not 13 year olds); Isis Maia Bello (@isismaiabello), TIKTOK (Feb. 11, 2022), <https://bit.ly/3h1TYQV> (3.5 million views).

<sup>38</sup> theadultscorner (@theadultscorner), TIKTOK (Mar. 26, 2022), <https://bit.ly/3OYPTJT>.

<sup>39</sup> oLiViA (@\_pig\_benis\_), TIKTOK (Apr. 30, 2021), <https://bit.ly/3H6OCi8>.

<sup>40</sup> Anna (@ya\_annannasik), TIKTOK (July 4, 2022), <https://bit.ly/3Hf9FPk>.

<sup>41</sup> Chloe Lebacq (@spicychloebaby), TIKTOK (Jan. 18, 2021), <https://bit.ly/3UuKqM5>.

a submissive partner describing the control a dominant partner exercises over him, including control over what he wears and the color of his hair (2.7 million views);<sup>42</sup> a video in which a dominant partner describes physical abuse during sex (601,900 views);<sup>43</sup> and a video depicting bondage costumes and themes in a performance (65,000 views).<sup>44</sup>

97. “CNC” stands for “consensual non-consent,” a form of sexual behavior in which the participants agree to engage in sexual activity that would otherwise appear to be rape. Both “CNC” and “consensual non-consent” are searchable terms on TikTok. Videos available on TikTok about these terms include a video describing CNC as the evolution of a choking fetish (4 million views).<sup>45</sup> One user’s video describes how a user’s past experience with sexual assault led to a CNC kink (858,000 views),<sup>46</sup> and another user describes her own kinks that she refers to as “breeding” and CNC. (401,000 views).<sup>47</sup> TikTok’s Autocomplete function will also point users toward CNC content. If a user types “cnc” into the TikTok search bar, TikTok recommends the search “cnc knik,” which returns videos about CNC.

98. “Fingering” is a slang term for digitally penetrating a woman’s vagina. On TikTok, even a 13-year-old user can search for “fingering” and view hundreds of videos about fingering, including how-to instructional guides with as many as 13 million views.<sup>48</sup>

99. “Twerking” is a sexually provocative dance move that involves squatting and hip thrusting. The TikTok platform allows twerking videos, including twerking while wearing thong underwear, leaving all or nearly all of the buttocks exposed. One twerking video has 5.6 million

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<sup>42</sup> Kirizal (@kirizalneha), TIKTOK (Aug. 7, 2022), <https://bit.ly/3Up1XFh>.

<sup>43</sup> Havoc Rayne (@havoc\_rayne), TIKTOK (Dec. 1, 2021), <https://bit.ly/3F17yfh>.

<sup>44</sup> Guilherme Ambrosio (@gui\_ambrosio), TIKTOK (Nov. 23, 2021), <https://bit.ly/3XUGw24>

<sup>45</sup> Wednesday (@gothyghoull), TIKTOK (Sept. 16, 2022), <https://bit.ly/3BykybJ>.

<sup>46</sup> bebi (@bebiisan), TIKTOK (May 30, 2022), <https://bit.ly/3ZZbDeQ>.

<sup>47</sup> Sophia the first (@trash.echo), TIKTOK (April 1, 2022), <https://bit.ly/3ZDijxH>.

<sup>48</sup> This activity meets the definition of “deviant sexual activity” in Ark. Code Ann. § 5-14-101(1)(B).



views.<sup>49</sup> The “baddiesonly” hashtag returns numerous twerking videos with millions of views and likes.

100. Other readily accessible videos glorify sexual bondage imagery, (1.5 million views);<sup>50</sup> and provide instructions for tying a pentagram-shaped harness for sexual rope play (1 million views).<sup>51</sup> A video with 25.5 million views purports to show wet stains across a bed and curtains after the TikTok user “squirt[ed]” after using a “vibrator.”<sup>52</sup>

101. A video with 486,500 views shows a graphic, close-up view of two women kissing, licking, and smearing saliva on each other for two-and-a-half minutes.<sup>53</sup>

102. Some TikTok videos appear to feature minors engaged in sexually suggestive dances. One video with 20,000 views purports to show a 16-year-old twerking on a bed.<sup>54</sup>

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

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<sup>49</sup> FRESA (@\_fre.sa), TikTok (Aug. 8, 2022), <https://bit.ly/3UG4bAA> (available to all users registered as adults, but not 13-year-olds)

<sup>51</sup> blackglovedom (@BlackGloveDom), TIKTOK (June 6, 2021), <https://bit.ly/3UwAG3Z>.

<sup>52</sup> Tik Toker (@mauricoolguy2), TIKTOK (June 23, 2021), <https://bit.ly/3P5Q2v5>.

<sup>53</sup> lesbianas besandose bien rico (@lesbianas kisses), TIKTOK (Sept. 5, 2022), <https://bit.ly/3JbG3lo>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

<sup>54</sup> dababyhay’s simp (@pimpforsimps), TIKTOK (2020) (on file). This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

this can include kids under 18 contributing images of *themselves* after being groomed or enticed by the account owners.<sup>55</sup>

104. TikTok could eliminate this illicit behavior by using artificial intelligence to monitor and remove child sexual abuse material even among private posts, requiring two-factor authentication for private accounts, or eliminating multiple simultaneous sign-ins to the same account. Instead, the Forbes report details how TikTok has allowed some of these videos to remain on the platform *even after being alerted to them*. TikTok users are also able to circulate account credentials to these “private” accounts using hashtags and descriptions that refer to “posting in private.” TikTok could eliminate those hashtags and their variants or render them unsearchable, but TikTok has not done so.<sup>56</sup> This is a further example of egregious sexual content that is available on TikTok, contrary to its public representations and at great risk to young people in Arkansas.

105. Wattpad is a separate platform on which users post their literary works, many of which are sexual in nature. Many excerpts from Wattpad are published on TikTok as TikTok videos showing just text set to music. Searching for “Wattpad” on TikTok returns thousands of these videos which contain explicit sexual writing.

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

107. Not only is intensely sexualized content abundant on TikTok, but TikTok also *helps users find this content* through its Autocomplete feature. [REDACTED]

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<sup>55</sup> Alexandra S. Levine, *These TikTok Accounts Are Hiding Child Sexual Abuse Material In Plain Sight*, FORBES (Nov. 14, 2022), <https://bit.ly/3uoOfI3>.

<sup>56</sup> *Id.*

[REDACTED]

108. If a user types “sk” into the TikTok search bar, TikTok recommends “skriptok” and “skripper tiktok” as suggested search terms. These searches return thousands of videos about strippers, including descriptions of typical workdays for strippers and videos of strippers in thong underwear and other lingerie. Many stripper-related videos also have millions of views on TikTok. For example, a woman’s description of working a dayshift as a stripper, including how much money she made, has 13.7 million views.<sup>57</sup>

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

110. If a user types only the letter “ba,” TikTok will recommend “baddies,” a search that returns thousands of videos of women “twerking” and men taking body shots off bikini-clad women, many of which have millions of views.

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

112. [REDACTED]

[REDACTED]

[REDACTED]

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<sup>57</sup> Layla Lavenderr (@dro01), TIKTOK (Dec. 26, 2021), <https://bit.ly/3FjI3HF>.

113. For example, one of the top 5 most-followed TikTok users, Addison Rae, has posted a video of herself dancing to a song called “We Not Humping” with the following lyrics: “Ooh, he coming off way too pushy/I hope he don’t think he was getting this pussy/Aw, he like his bitches psychotic/Sit on his face and explain why I’m toxic, uh/How you talk shit but ain’t backing it up/Your pussy wack, send it back to the club.”<sup>58</sup> The video has 15.4 million views.<sup>59</sup> Over 500,000 other TikTok videos have been made by users and set to the same music. Top user Charli D’Amelio’s dance set to the same music has 37.6 million views.<sup>60</sup> Another user, Camila Mendes, has danced to the same lyrics, and her video has 36.4 million views.<sup>61</sup> Loren Grey performs the dance in a thong bikini in a video with 5.6 million views.<sup>62</sup>

114. Another viral TikTok dance challenge featured users mimicking the rap artist, Cardi B, and her music video dance to her song “WAP,” which stands for “wet ass pussy.” Addison Rae’s WAP dance challenge video has 312.9 million views.<sup>63</sup> Another user’s WAP dance has 3.7 million views and features the user wearing fishnet stockings and a short skirt.<sup>64</sup> The WAP dance includes floor-humping and all-fours twerking.

115. Top TikTok user Charli d’Amelio has a video with 57.8 million views in which she dances to a song titled “Super Freaky Girl.”<sup>65</sup> The lyrics include: “F-R-E-A-K/I’m a movie, I

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<sup>58</sup> Addison (@addisonre), TIKTOK (May 10, 2022), <https://bit.ly/3Fs9cYT>.

<sup>59</sup> *Id.*

<sup>60</sup> charli d’amelio (@charlidamelio), TIKTOK (May 13, 2022), <https://bit.ly/3urdI3O>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

<sup>61</sup> camila mendes (@camimendes), TIKTOK (May 27, 2022), <https://bit.ly/3Hh3pa9>.

<sup>62</sup> Loren Gray (@lorengray), TIKTOK (May 13, 2022), <https://bit.ly/3H6wYuS>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

<sup>63</sup> Addison (@addisonre), TIKTOK (Aug. 22, 2020), <https://bit.ly/3Fs0vxE>.

<sup>64</sup> Dynamikduoo (@dynamikduoo), TIKTOK (Oct. 9, 2020), <https://bit.ly/3Bd0QSt>.

<sup>65</sup> charli d’amelio (@charlidamelio), TIKTOK (Sept. 25, 2022), <https://bit.ly/3OZhniE>.

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

116. Vulgar songs are commonplace on TikTok. In a video with 4.2 million views, a user molds clay on a pottery wheel in the shape of a penis while the song “Fucked by a Cowboy” is playing.<sup>66</sup> The lyrics are: “Have you ever been fucked, fucked, fucked by a cowboy/Rammed, rammed, rammed by a redneck/Spread, spread, spread by an inbred/Who's kind of got your daddy's voice/If you've never been licked by a hick with a hillbilly dick/Or got a rash on your stash from some trailer trash/Then girl you need to get fucked by a country boy.”

117. Another video features a young woman with the side of her chest exposed dancing to “DDLG” by ppcocaine. The lyrics she is dancing to are “I just want you to fuck me to sleep (fuck me so good)/Trap Bunny Bubbles/I want my cheeks clapped, Daddy (clap 'em)/So lay me down while I arch that ass back (back)/I need that good pipe, Daddy.” The video has 3 million views.<sup>67</sup>

118. Another song, “She's So Nice” by Pink Guy, contains the following lyrics: “She's so nice/She's so nice/She's so nice/Yeah, treat her like a bitch/I fuck her in the ass and I fuck her in the tits/If she can handle that then I'll let her suck my dick/And her man is coming back so I better make it quick/You know who you are you piece of shit/So next time you go down on her clit/Tell me how my dick tastes/Tell me how my motherfucking dick tastes!/But she's so nice/But

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<sup>66</sup> iruru (@amberiruru), TIKTOK (Oct. 1, 2022), <https://bit.ly/3BaOWIF>.

<sup>67</sup> User30066902673 (@goth.cowgirl), TIKTOK (Nov. 5, 2021), <https://bit.ly/3LigiT8> (available to all users registered as adults but not 13-year-olds).

she’s so nice.” This song has been the center of viral dance trends in the past, and some recent TikTok videos reenact the old dance trend.<sup>68</sup>

119. TikTok makes vulgar and explicit songs including (but not limited to) We Not Humping, WAP, Fucked by a Cowboy, and She’s So Nice available to users to use when creating and posting their own videos. TikTok has the ability to exclude vulgar and explicit songs or lyrics from its music library but chooses not to. These songs and many others available to TikTok users carry explicit lyric warning labels in Apple Music and other online music retailers.

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

121. For example, when logged in as a 13-year-old user in Restricted Mode, TikTok’s algorithm offered a video set to the music “Fuck Off” in the For You page. The video has 3.8 million views.<sup>69</sup> The lyrics to “Fuck Off” include: “This is for anybody who needs tell somebody to fuck off/Go fuck yourself/Suck a bag of dicks/Eat a big ole pile of shit/wash it down with camel piss/You stupid bitch/Lick my tits/Polish all my naughty bits/Kiss my fanny/Tell your granny she got shitty grandkids/Pull my finger/Smell my butt/Sit and spin buttercup/Tell your mumma and your daddy they can lick my fucking nuts/Cuddle up to my balls and wash my dirty draws/I have fucking had enough so I’m telling you to go fuck off!/Fuck off!” *Id.* The song “Fuck Off” has been used to create over 24,600 videos on TikTok.

122. Users have also been able to use TikTok’s in-app browser to link directly to Google, then search for and view hardcore pornography—all without leaving the TikTok app. Minor users could use this feature to access hardcore pornography through TikTok even if parental controls

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<sup>68</sup> peach pottery (@peachmangojuice777), TIKTOK (Apr. 5, 2022), <https://bit.ly/3Bz5EC3>; Julie (@deadlyxxlove), TIKTOK (Aug. 21, 2021), <https://bit.ly/3P1XsiW>.

<sup>69</sup> Queenlock1989 (@queenlock1989\_), TIKTOK (Sept. 8, 2022), <https://bit.ly/3uoZdgT>.

were enabled on their device and would otherwise have prevented the user from accessing this content on an ordinary web browser.

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

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

125. TikTok permits music with explicit lyrics on the TikTok platform, and videos set to music with explicit lyrics on the TikTok platform have billions of views. This includes billions of views for videos set to music with the *most* profane words in the English language.

126. [REDACTED]

[REDACTED]

[REDACTED]

127. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**G. TikTok Knows That Its Content Is Not Consistent with the App’s 12+ Age Rating or the App Store Representations TikTok Makes Related to “Sexual Content or Nudity” and “Mature/Suggestive Themes”**

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

129. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

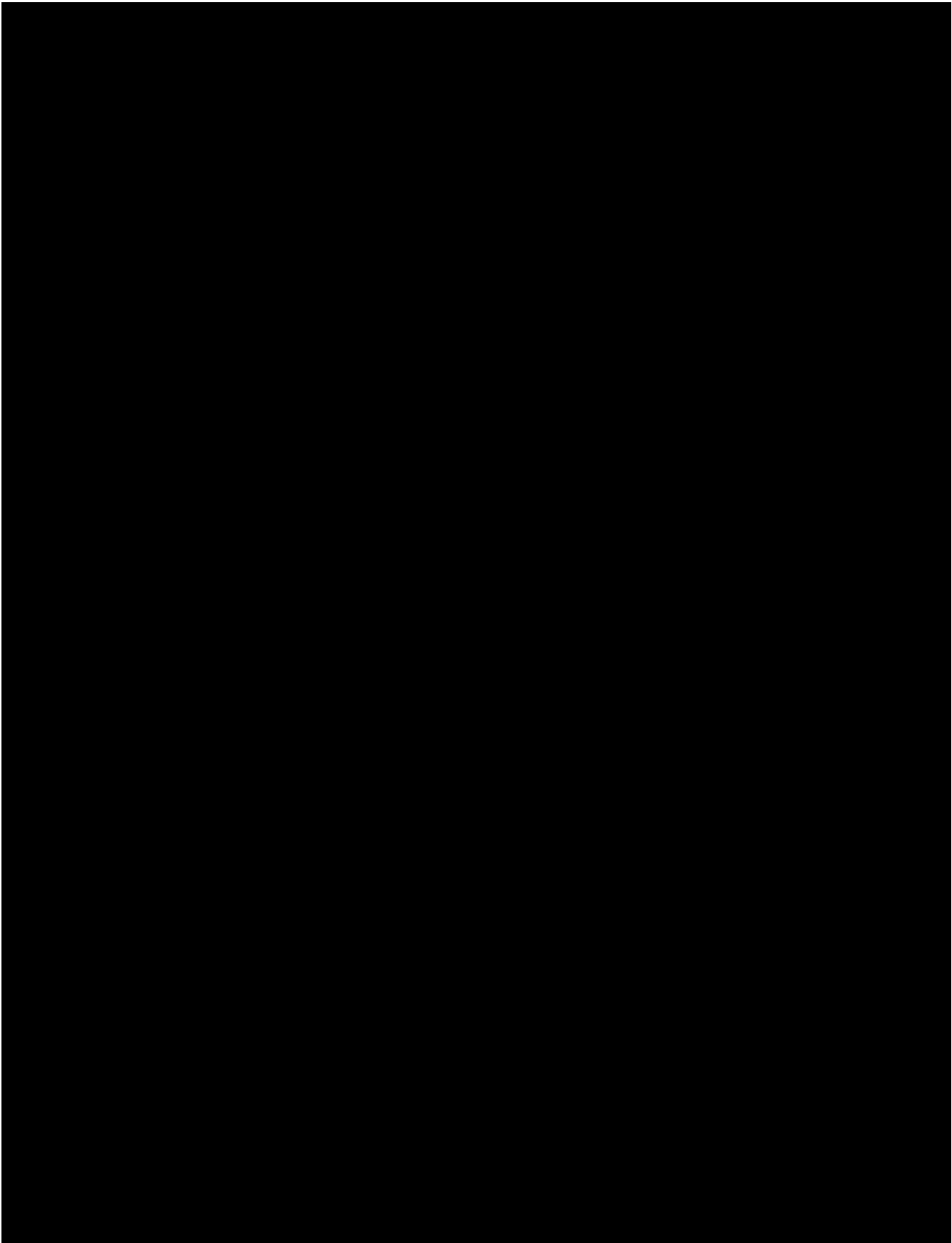
[REDACTED]

[REDACTED]

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

[REDACTED]





[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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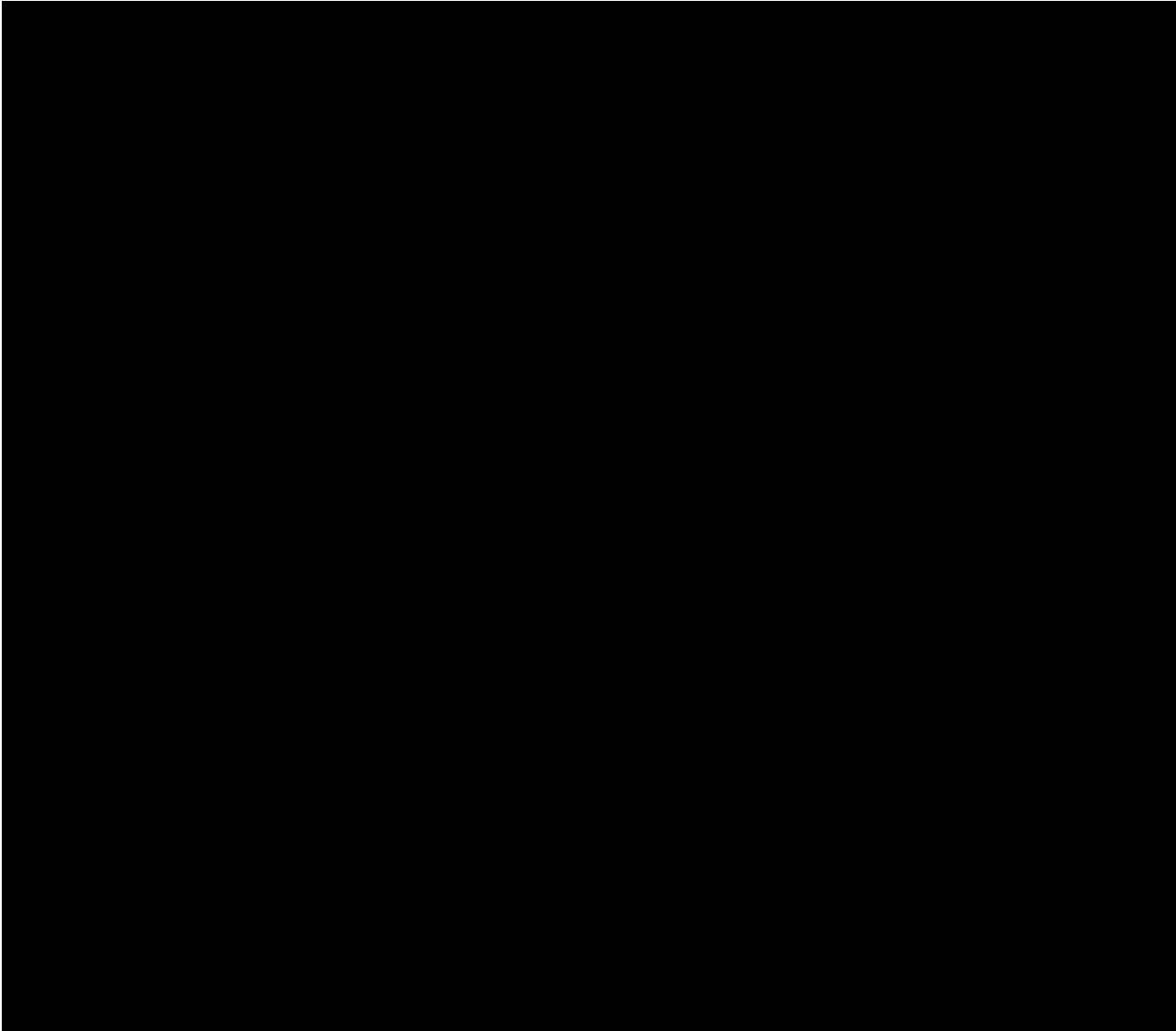
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[REDACTED]

[REDACTED]

[REDACTED]



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<sup>70</sup> TikTok users have the option to “set” their accounts to “public” or “private.” According to TikTok:

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

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

*Choosing between a private or public account*, TIKTOK, <https://bit.ly/3XW2cL7> (last visited Aug. 18, 2023).

140. [REDACTED]

141. An investigation by the *Wall Street Journal* found that TikTok created rabbit holes of videos that “sexualized minors.”<sup>71</sup> “Rabbit holing” is where “the app takes note of subtle cues” to serve users more and more content that becomes “less mainstream, less vetted by moderators and sometimes more disturbing” as users scroll down the rabbit hole.<sup>72</sup>

142. TikTok’s CEO Shou Chew later testified about the *Wall Street Journal*’s investigation and the user experience the newspaper uncovered. He did not deny that sexualized content is served to TikTok users, only claiming that “we don’t think it represents the majority of the users’ experience on TikTok, but *it does happen*.” Transcript 4:17:03–4:17:08 (emphasis added).

143. TikTok’s own internal analysis of the *Wall Street Journal*’s findings also determined that [REDACTED]

**H. TikTok is Rife with Other Mature Themes that are Not Consistent with the App’s 12+ Age Rating, or Its Representation that “Mature” Themes are “Infrequent/Mild”**

144. TikTok is also rife with other forms of harmful content that TikTok itself recognizes as too mature for minors. As with drugs and sexual content, TikTok grapples with its algorithm’s

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<sup>71</sup> *Id.*

<sup>72</sup> WSJ Staff, *Inside TikTok’s Algorithm: A WSJ Video Investigation*, WALL STREET JOURNAL (July 21, 2021), <https://on.wsj.com/3ZBaQiH>.

tendency to push users into rabbit holes that are difficult to escape, where they frequently view content featuring depression, suicide, and eating disorders.<sup>73</sup>

145. These rabbit holes—what TikTok calls “filter bubbles”—are a direct result of the design and function of its algorithm. See [REDACTED]. And TikTok recognizes that even where [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] *Id.* It is possible for a user to find themselves in a filter bubble [REDACTED].<sup>74</sup>

146. TikTok’s efforts to disperse “extreme diet/fitness” content *still* leave users exposed to large amounts of it. See [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

147. TikTok recognizes that this type of content is too mature for minors. [REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>73</sup> Tawnell D. Hobbs, et al., ‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-Disorder Videos, Wall Street Journal (Dec. 17, 2021), <https://on.wsj.com/3YIXMN2>; Julie Jargon, She Tried to Block Eating-Disorder Content on TikTok. It Still Pops Up Daily, WSJ (Sept. 24, 2022), <https://on.wsj.com/45crPdV>; Julie Jargon, TikTok Feeds Teens a Diet of Darkness, Wall Street Journal (May 13, 2023), <https://on.wsj.com/3qKBx8d>; Jim Norton & Jacob Dirnhuber, We posed as a TikTok teen...and suicide posts appeared within minutes, DAILY MAIL ONLINE (Oct. 17, 2022), <https://bit.ly/3E00RtY>.

<sup>74</sup> Jim Norton & Jacob Dirnhuber, We posed as a TikTok teen... and suicide posts appeared within minutes, DAILY MAIL ONLINE (Oct. 17, 2022), <https://bit.ly/3E00RtY>.

[REDACTED]

[REDACTED]

148. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**I. TikTok’s 12+ and “T” for “Teen” Age Ratings are Not Consistent with its Live Feature**

149. In addition to posting videos, certain TikTok users may host livestreams through TikTok’s “Live” feature. Hosting a livestream means that a user transmits video content through the app in real time. TikTok has known for years that its Live feature poses critical risks to users, especially minors. TikTok Live is not, and has not been, consistent with a “12+” age rating.

150. In 2021, TikTok’s own internal metrics showed that minor users were [REDACTED], and that they “[REDACTED] In [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

151. The risk for minors hosting livestreams is even greater. In April 2022, *Forbes* reported that users in livestreams “regularly use the comments to urge young girls to perform acts that appear to toe the line of child pornography — rewarding those who oblige with TikTok gifts, which can be redeemed for money, or off-platform payments.” A month later, [REDACTED]

[REDACTED]

152. TikTok found not only [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

153. Worse, TikTok’s own algorithm *promoted* [REDACTED]  
[REDACTED]  
[REDACTED]

154. TikTok Live also facilitates users to engage in other dangerous activities such as binge drinking in exchange for compensation.<sup>75</sup> 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.

155. TikTok has known about the risks of TikTok Live while continuing to profit from them. TikTok takes a 50% cut of “earnings creators receive through TikTok Live gifts.”<sup>76</sup> This is an unconscionable business practice.

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<sup>75</sup> Jessica Lucas, *There's A Deadly Drinking Problem On TikTok*, HUFFPOST (July 27, 2023), <https://bit.ly/45yEYhbv>.

<sup>76</sup> Jessica Lucas, *There's A Deadly Drinking Problem On TikTok*, HUFFPOST (July 27, 2023), <https://bit.ly/45yEYhbv>.



156. And despite the risks, TikTok has continued to tout a 12+ rating and failed to prioritize meaningful solutions. Until November of last year, TikTok permitted children as young as 16 to host livestreams.<sup>77</sup> [REDACTED]

[REDACTED]

The *Wall Street Journal* reported some users' concerns about minor access to their livestreams and attempting to mark their content as adults only, [REDACTED], but TikTok did not make available a feature that allowed its creators to limit their audiences until after October 2022.<sup>78</sup>

157. The age restrictions TikTok does employ rely on age gate information, a [REDACTED]

[REDACTED]

[REDACTED] TikTok could help mitigate these risks by raising its age rating, but it chooses not to do so because changing the age rating would hurt its bottom line.

**J. TikTok Does Not Generally Restrict the Content Available to Minors Even Though It Is Aware That the Platform Contains Material that TikTok Has Identified as Inappropriate for Minors**

158. As shown, TikTok is aware that its platform contains abundant content that is inappropriate for minors. Yet [REDACTED]

159. [REDACTED]

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<sup>77</sup> 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.”).

<sup>78</sup> Aisha Malik, *TikTok is raising the age requirement for TikTok Live, adding adult-only livestreams*, TECHCRUNCH (Oct. 17, 2022), <https://tcrn.ch/47FelJm>; It [REDACTED]

[Redacted text block]

160. [Redacted text block]

161. [Redacted text block]

162. [Redacted text block]

[REDACTED]

[REDACTED]

163. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

164. Only in Summer 2022 did TikTok begin to implement its content classification system to help ensure content on TikTok is, in *TikTok's* words, [REDACTED]

[REDACTED]

[REDACTED] At that time, TikTok began restricting content that 1) does *not* violate the Community Guidelines but 2) still receives its most mature rating from users who register at TikTok's age gate as under 18. [REDACTED]

[REDACTED] Again, this means that there is content on TikTok that, before Summer 2022, *per TikTok's policies*, would have been readily available to a minor on an app rated 12+, that *TikTok* rates as 18+.

165. Even under this new system, TikTok does not meaningfully restrict its younger users' exposure to profanity. [REDACTED]. Minors still may be exposed to many short videos containing "heavy" profanity without violating TikTok policy. [REDACTED]

[REDACTED]

166. An internal analysis shows that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Still, TikTok made no change to its age ratings.

167. In TikTok's analysis, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

169. At this time, not all content on TikTok has received a maturity rating, and regardless, the State’s investigation demonstrates that these so-called “restrictions” leave much mature content readily available to minors.

**K. TikTok Deceives Arkansas Consumers about Restricted Mode**

170. TikTok’s promotion of Restricted Mode deceives Arkansas consumers.

171. Although TikTok publicly represents that Restricted Mode limits the appearance of content that is inappropriate for younger audiences, Restricted Mode does virtually nothing to limit mature content. For example, searching creation and for “p3gg1ing tutorial” with Restricted Mode turned *on* offers search results no less vulgar and sexual than searching for “p3gg1ing tutorial” with Restricted Mode turned *off*.

172. This is not surprising. While TikTok has long publicly touted Restricted Mode as a safety feature and parental control tool, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

173. TikTok has known since it launched the feature that Restricted Mode is not safe for minors. *See, e.g.*, [REDACTED]

[REDACTED]

[REDACTED]

After a host on Good Morning America asked, based on her own experience with Restricted Mode, “My eyeballs are bleeding. . . . if that’s Restricted Mode, what’s not restricted?” *see* Good Morning America, *TikTok updates privacy protections for teen users*, at 2:00–2:17, YOUTUBE (Jan. 13, 2021), <https://bit.ly/3sjwdt5>, [REDACTED]

[REDACTED]

174. [REDACTED]

[REDACTED]

[REDACTED] TikTok published a blog on its website touting the app’s “family safety” features, including Restricted Mode.<sup>79</sup>

175. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

176. [REDACTED]

[REDACTED]

[REDACTED]

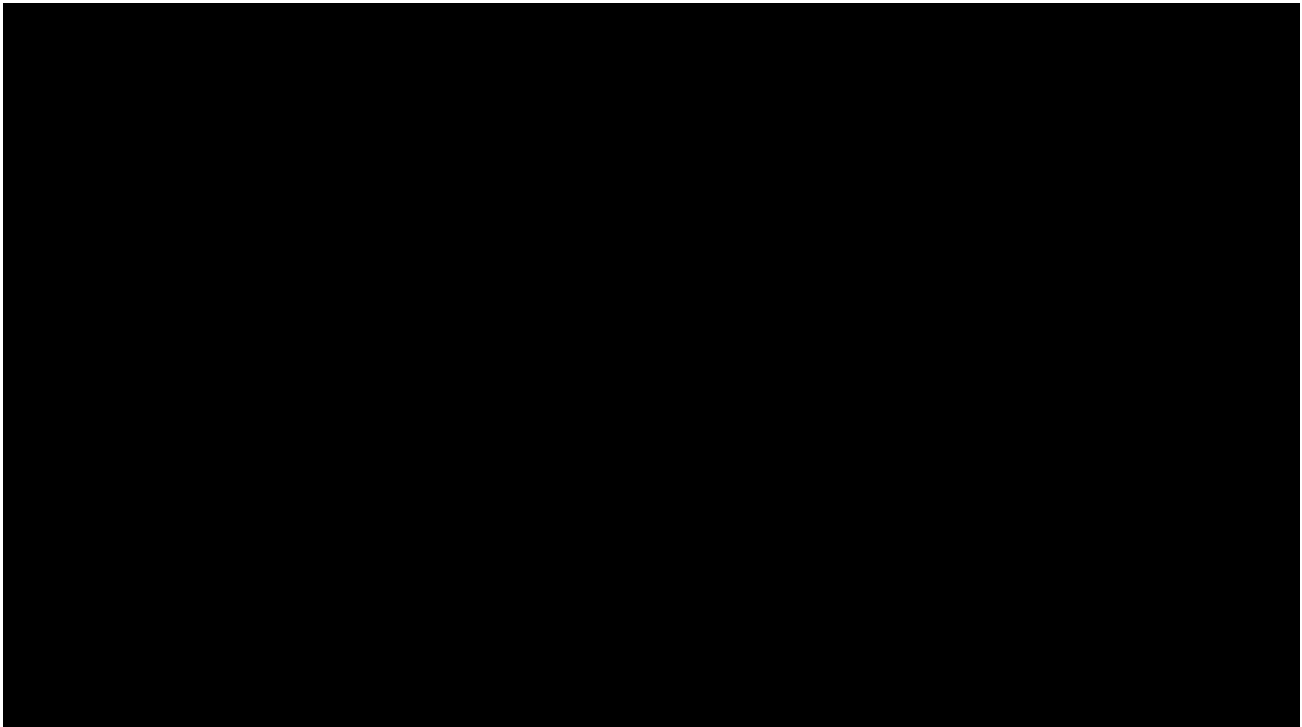
[REDACTED]

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<sup>79</sup> Tracy Elizabeth & Alexandra Evans, *Supporting youth and families on TikTok*, TIKTOK (Nov. 17, 2020), <https://bit.ly/3YEu5Iu>.

177. Arkansas parents who have enabled Restricted Mode for their children have been and are being actively deceived by TikTok about the effectiveness of that setting for restricting mature content. In reality, Restricted Mode does, and has done, virtually nothing to block mature content from being visible (or even promoted by TikTok’s algorithm) to users.

**L. TikTok Continues Misreporting Its Age-Rating Answers Because Young Users Are an Essential Demographic**



179. TikTok also knows that if its application had a “17+” rating in the App Store (or “M” for “Mature” in the Google Play and Microsoft stores), some young users would be unable to download it because of parental controls in place on their devices. The iPhone allows a parent to enable parental controls that limit the applications available for download by age rating, and some Arkansas parents choose not to let their children download applications with a “17+” rating. If TikTok had a 17+ (or “M”) age rating, this would further restrict engagement among TikTok’s critical young-user demographic.

**M. TikTok Intentionally Addicts Young People to Its App.**

180. TikTok intentionally designs its app to be addictive to minors, is aware that minors in fact become addicted to its app, and yet it omits to inform minors and their parents about the app’s addictive qualities. This is an unconscionable trade practice in violation of the ADTPA. Ark. Code Ann. § 4-88-107(a).

181. TikTok’s profit-generating business model is based on selling advertising. [REDACTED]

[REDACTED]

[REDACTED]

182. As a result, TikTok has intentionally designed its product experience 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. [REDACTED]

[REDACTED]

[REDACTED]

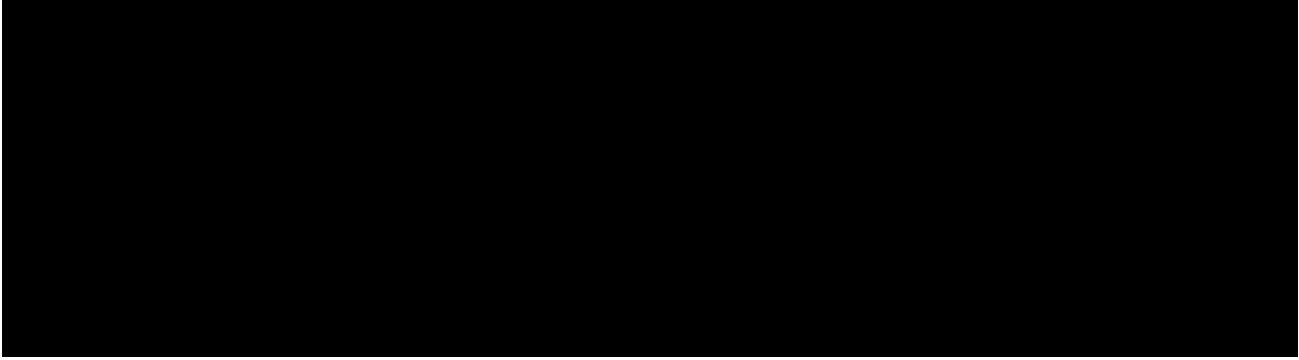
[REDACTED]

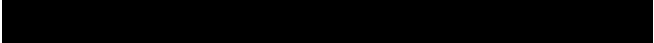
[REDACTED]

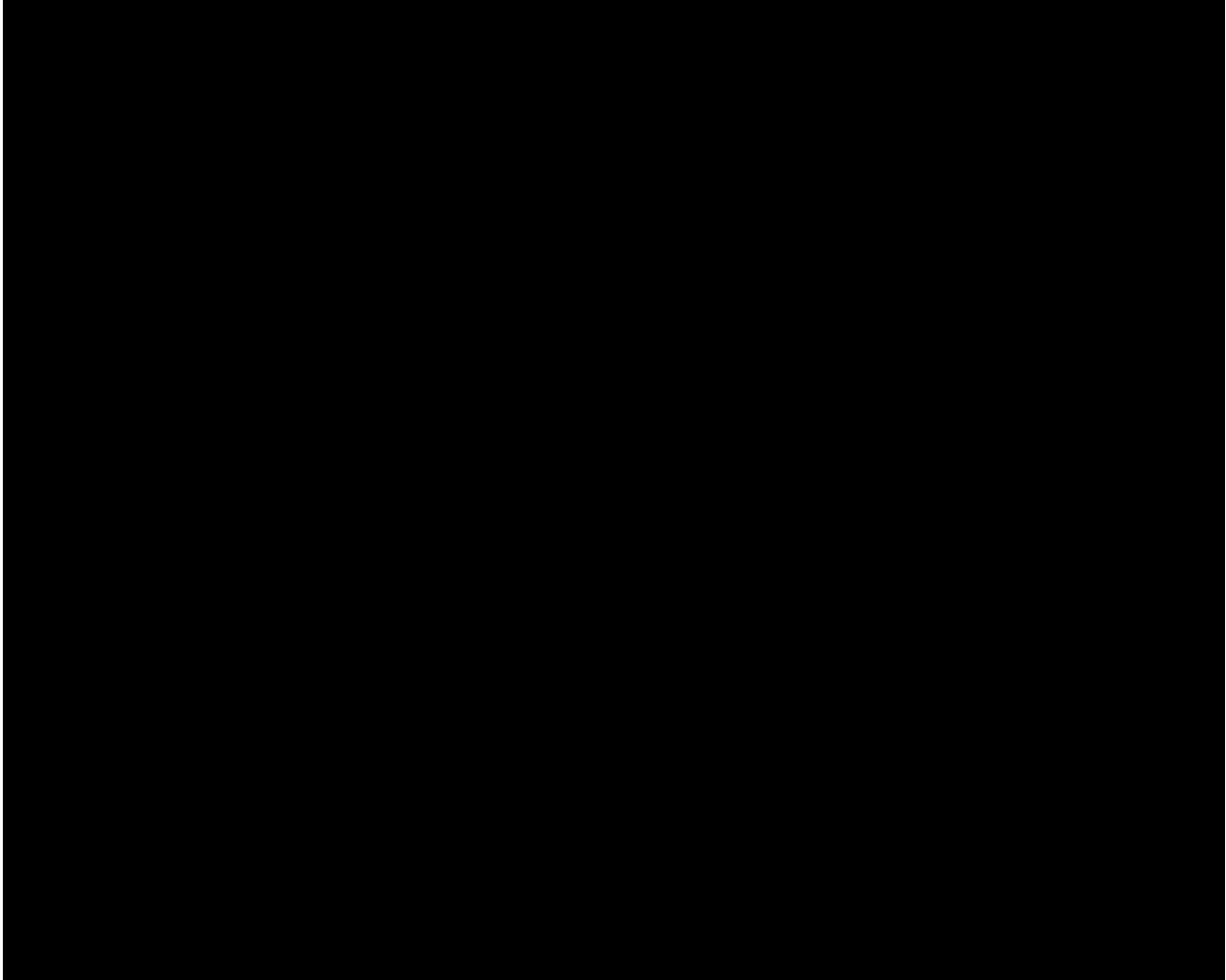
[REDACTED]

[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), available at <https://pewrsr.ch/45WAukE>.



[REDACTED]

190. [REDACTED]

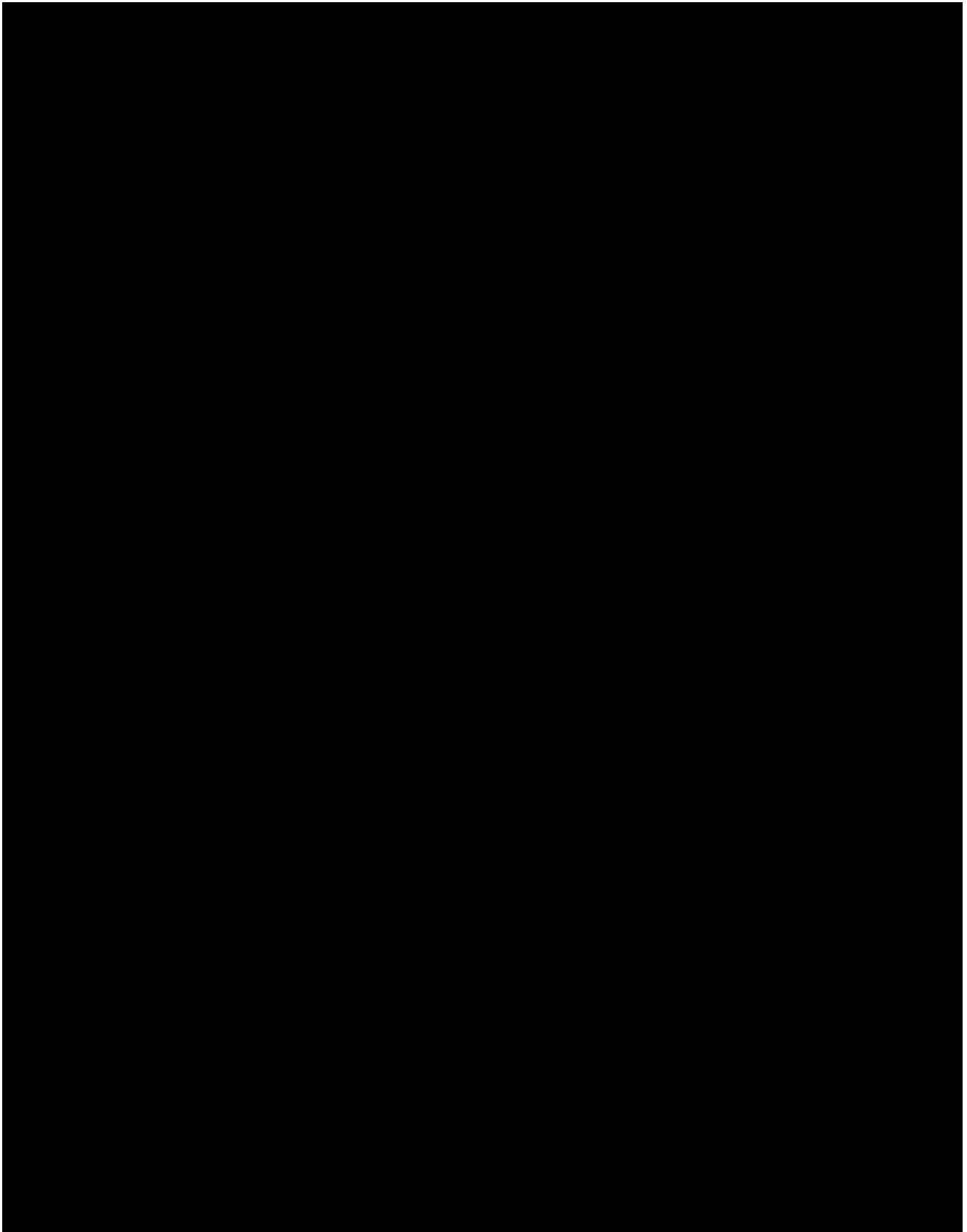
[REDACTED]

191. [REDACTED]

[REDACTED]

[REDACTED] Public reporting has demonstrated that TikTok’s algorithm pushes users into filter bubbles of content about eating disorders, depression, drugs, and sex. *See, e.g.,* Julie Jargon, *TikTok Feeds Teens a Diet of Darkness*, WALL ST. J. (May 13, 2023), available at <https://on.wsj.com/3qKBx8d>; WSJ Staff, *Inside TikTok’s Algorithm: A WSJ Video Investigation*, WALL ST. J. (July 21, 2021), available at <https://on.wsj.com/3Zo9tUx>.

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

196. Federal research shows that teenagers as a group are getting less sleep and exercise and spending less in-person time with friends—all crucial for healthy development—at a period in life when it is typical to test boundaries and explore one’s identity. The combined result for adolescents is a kind of cognitive implosion: anxiety, depression, compulsive behaviors, self-harm, vandalism, violence, and even suicide.

197. 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.<sup>80</sup>

198. Like virtually everywhere in the United States now, Arkansas’s youth suffer from a high degree of distraction, depression suicidality, and other mental disorders caused or worsened by the overconsumption of social media on a daily basis. This substantially interferes with the rights of health and safety common to the general public and has required Arkansas to expend substantial resources in response. Indeed, Arkansas has funded outpatient mental health services for children and teens, family-based mental health services, crisis services, emergency services, dedicated suicide prevention efforts for youth, evidence-based programs for school-aged youth,

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<sup>80</sup> 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. 1427–38 (Nov. 2015), <https://bit.ly/3qW6FSz>.

peer-support services, and family support services.<sup>81</sup> The need is that great.

#### **N. TikTok Deceives Arkansas Consumers Through Its Community Guidelines**

199. TikTok’s Community Guidelines establish “rules and standards for using TikTok,” which are maintained “[t]o help ensure a safe, trustworthy, and vibrant experience.”<sup>82</sup> TikTok says that “the guidelines apply to everyone and everything on TikTok.”<sup>83</sup> TikTok claims to enforce the Community Guidelines using both “technology that reviews [content] against our guidelines” and “review by our trust & safety team.”<sup>84</sup>

200. However, internal TikTok recordings obtained by Forbes magazine indicate that TikTok has operated special content moderation policies or procedures for TikTok users with more than 5 million followers.<sup>85</sup> These were designed to implement the Community Guidelines more leniently than they would otherwise be implemented.<sup>86</sup> In one recording, a member of TikTok’s “Trust and Safety Team” is heard describing the more-lenient content moderation process as follows: “If Addison Rae shows a little bit of a thong, they might mark that, whereas we might be a little more lenient.”<sup>87</sup> Addison Rae is one of TikTok’s most popular users, with 88 million followers.<sup>88</sup>

201. [REDACTED]

[REDACTED]

[REDACTED]

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<sup>81</sup> *Crisis Stabilization Units*, ARK. DEP’T OF HUMAN SERVS., available at <https://bit.ly/44MU1CV>; *Programs for Mental Health & Substance Abuse Issues*, ARK. DEP’T OF HUMAN SERVS., available at <https://bit.ly/3EvjPZC>.

<sup>82</sup> *Community Guidelines*, Overview, TIKTOK (last updated Mar. 2023), <https://bit.ly/3Hc5jsl>.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> Emily Baker-White, *How TikTok Has Bent Its Rules for Its Top Creators*, FORBES (Sept. 20, 2022), <https://bit.ly/3UzIVwe>.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

[REDACTED]

[REDACTED]

202. TikTok gives consumers the clear impression that content that violates the Community Guidelines is simply not available on the platform. For example, TikTok says that “[w]e will remove any content—including video, audio, livestream, images, comments, likes, or other text—that violates our Community Guidelines.”<sup>89</sup> It does not. TikTok overpromises the safety of its platform while its policies are inconsistently applied whether intentionally or simply failing to devote the resources necessary to make good on its promise. This is unconscionable.

203. TikTok tells consumers that “[w]e do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs.”<sup>90</sup> TikTok further tells users “[w]e do not allow showing or promoting young people possessing or consuming alcohol, tobacco products, and drugs.”<sup>91</sup> In describing its policy, TikTok further states that, in addition to the above, the following content is “NOT allowed”: “[s]howing the misuse of common household items or over-the-counter products to get intoxicated;” “[p]roviding instructions on how to make homemade spirits, drugs, or other regulated substances;” and “[f]acilitating the trade or purchase of alcohol, tobacco products, drugs, or other regulated substances.”<sup>92</sup> “Consumption of excessive amounts of alcohol by adults” and “[c]onsumption of tobacco products by adults” are allowed, but TikTok claims to restrict such content to those 18 years and older.<sup>93</sup>

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<sup>89</sup> *Id.*

<sup>90</sup> *Community Guidelines, Regulated Goods and Commercial Activities, Alcohol, Tobacco, and Drugs, TIKTOK* (last updated Mar. 2023), <https://bit.ly/3He5jsl>.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

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

205. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

207. Because this material is not a removable offense under TikTok's internal policies, leakage of this material through TikTok's moderation systems means that, not only will such

material appear on the platform, TikTok’s algorithm may *promote* it. [REDACTED]

[REDACTED]

208. [REDACTED]

[REDACTED]

209. TikTok’s Community Guidelines state that: “[w]e do not allow nudity, including uncovered genitals and buttocks, as well as nipples and areolas of women and girls,” “[w]e do not allow content that may put young people at risk of exploitation, or psychological, physical, or developmental harm,” and “[w]e do not allow seductive performances or allusions to sexual activity by young people, or the use . . . by anyone” of “sexually explicit narratives, such as vivid description of sexual acts.”<sup>94</sup> “Seductive performances by adults,” “[s]exualized posing by adults,” and “[a]llusions to sexual activity by adults” are allowed, but TikTok claims to restrict such content to those 18 years and older.<sup>95</sup>

210. Again, TikTok is not enforcing its guidelines as written. [REDACTED]

[REDACTED]

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<sup>94</sup> *Community Guidelines, Sensitive and Mature Themes, TIKTOK* (last updated Mar. 2023), <https://bit.ly/3He5jsl>.

<sup>95</sup> *Id.*



[REDACTED]

211. Nudity and sexually explicit content are also rampant on TikTok’s platform, and TikTok is actively misleading and deceiving Arkansas consumers by telling them otherwise through TikTok’s Community Guidelines.

212. [REDACTED]

213. According to TikTok’s Minor Safety team, [REDACTED]

214. TikTok’s Community Guidelines also have long failed to fully explain and disclose its policy to permit intense profanity on its platform. As noted, TikTok’s internal policies indicate that it allows “heavy profanity” and does not restrict it to adults. [REDACTED]

[REDACTED]. The guidelines also make an oblique, general reference to a policy exception for “artistic” content. And although it did not acknowledge this in the past, in its most recent update to its Community Guidelines from March 2023, TikTok *now* says it allows “[s]exually explicit narratives in some artistic creations, such as song lyrics.” Regardless, these statements are not enough to alert consumers to TikTok’s longstanding practice of permitting extreme, hardcore profanity in music lyrics, and the Complaint describes numerous examples of intense, explicit lyrics readily available to anyone on TikTok.

215. “Heavy profanity” is not “mild.” TikTok deceptively represents to consumers in the App Store that its app contains only “infrequent/mild” profanity.

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

217. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] But TikTok expressly permits plenty of drug-related content to remain on the platform and has even promoted it.

218. Those statements are misleading, deceptive, and unconscionable to Arkansas consumers, especially parents, who are entitled to know the truth about alcohol, tobacco, and drug content on the TikTok platform.

219. Arkansans under 18 are regularly exposed to content on TikTok that violates TikTok's age rating representations and that is inconsistent with TikTok's other representations described in this complaint. In fact, users under 18 are exposed to such content at least monthly and even daily, depending on their usage. And when they choose, these users can engage in sessions of TikTok use that are *mostly* composed of violative content and other content that Arkansas parents would not expect to be available on the platform given TikTok's public representations.

## V. CLAIMS

### COUNT I

#### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.***

#### **Alcohol, Tobacco, and Drug References**

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

221. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, "[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model," "[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade," or

“[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the Deceptive Trade Practices Act. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

222. Defendants are “[p]erson[s],” and the TikTok app is a “[s]ervice[.]” as defined by Ark. Code Ann. § 4-88-102(5), (7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

223. TikTok has and is engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), in three separate, independent ways by making deceptive representations related to the age rating of its app. First, TikTok has “[k]nowingly ma[de] a false representation as to the characteristics” of its service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10). And third, at the very least, TikTok is guilty of “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of this chapter” because TikTok coordinated with Apple to secure its 12+ rating.

224. In particular, TikTok has made deceptive representations to the App Store, which are displayed to consumers, that the TikTok application contains “none” or only “infrequent/mild” “Alcohol, Tobacco, or Drug Use or References,” when such content is actually abundant on the TikTok platform and is neither “infrequent” nor “mild” in nature.

225. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices,” Ark. Code Ann. § 4-88-107(a), by selecting a “12+” rating in the App Store even though the App Store offers TikTok the ability to self-select the appropriate rating of “17+.”

226. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

227. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices,” *id.*, because it informs consumers about its Community Guidelines and gives consumers the clear impression that those guidelines are rigorously enforced, when in fact, TikTok is aware that significant “leakage” exists of content that violates those guidelines, and in some cases, TikTok does not act at all to enforce its guidelines as written.

228. TikTok knowingly has and is also engaged in “deceptive and unconscionable trade practices,” *id.*, by making public statements that overstate the safety of the TikTok application for young users, particularly as relates to the abundant alcohol, tobacco, and drug content on the platform.

229. These practices are false, unconscionable, and deceptive to Arkansas consumers—namely, individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children’s App Store activities). Ark. Code Ann. § 4-88-107(a)(1,10) & (b).

230. These practices are material to the decisions of parents and others because TikTok users care about the type of content available on TikTok when deciding whether and how to use (or let their kids use) the app.

231. TikTok has engaged in these actions knowingly because any reasonable consumer would know that TikTok’s deceptive self-reporting to the App Store, its deceptive statements in the Community Guidelines, and its deceptive public statements would violate Arkansas’s prohibition on unconscionable, false, or deceptive acts or practices perpetrated on consumers.

232. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

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

234. Arkansas is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

235. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## COUNT II

### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.***

#### **Sexual Content and Nudity**

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

237. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, "[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model," "[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade," or "[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or

continuance of an act or practice that is in violation of” the ADTPA. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

238. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice[.]” as defined by Ark. Code Ann. § 4-88-102(5), (7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

239. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by self-reporting false information to the App Store and to consumers to obtain a “12+” rating for the TikTok application. TikTok has done so in three separate, independent ways. First, TikTok has “[k]nowingly ma[de] a false representation as to the characteristics” of its service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10). And third, at the very least, TikTok is guilty of “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of this chapter” because TikTok coordinated with Apple to secure its 12+ rating.

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

241. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices,” *id.*, by selecting a “12+” rating in the App Store even though the App Store offers TikTok the ability to self-select the appropriate rating of “17+.”

242. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

243. TikTok knowingly has and is further engaged in “deceptive and unconscionable trade practices,” *id.*, because it informs consumers about its Community Guidelines and gives consumers the clear impression that those guidelines are rigorously enforced, when in fact, TikTok is aware that significant “leakage” exists of content that violates those guidelines, and in some cases, TikTok does not act at all to enforce its guidelines as written.

244. These practices are false, unconscionable, and deceptive to Arkansas consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children’s App Store activities). Ark. Code Ann. § 4-88-107(a)(1), (10).

245. These practices are material to the decisions of parents and others because TikTok users care about the type of content available on TikTok when deciding whether and how to use (or let their kids use) the app.

246. TikTok has engaged in these actions knowingly because any reasonable consumer would know that TikTok’s deceptive self-reporting to the App Store, its deceptive statements in the Community Guidelines, and its deceptive public statements would violate Arkansas’s prohibition on false, unconscionable, and deceptive acts or practices perpetrated on consumers.

247. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

248. The State is entitled to a preliminary and permanent injunction prohibiting TikTok from continuing to make deceptive representations about the content of its app to Arkansas consumers.



249. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

250. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

### **COUNT III**

#### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.***

##### **Mature/Suggestive Themes**

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

252. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, “[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model,” “[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade,” or “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the ADTPA. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

253. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice[.]” as defined by Ark. Code Ann. § 4-88-102(5), (7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

254. TikTok has engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by self-reporting deceptive information to the App Store to obtain a “12+” rating for the TikTok application. TikTok has done so in three separate, independent ways by making deceptive representations related to the age rating of its app. First, TikTok has “[k]nowingly ma[de] a false representation as to the characteristics” of its service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10). And third, at the very least, TikTok is guilty of “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of this chapter” because TikTok coordinated with Apple to secure its 12+ rating. *Id.* § 4-88-107(12).

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

256. TikTok has and is engaged in “deceptive and unconscionable trade practices,” *id.*, by selecting a “12+” rating in the App Store even though the App Store offers TikTok the ability to self-select the appropriate rating of “17+.”

257. TikTok has and is engaged in “deceptive and unconscionable trade practices,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

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

259. These practices are material to the decisions of parents and others because TikTok users care about the type of content available on TikTok when deciding whether and how to use (or let their kids use) the app.

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

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

262. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

263. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

264. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## COUNT IV

### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.***

#### **Profanity or Crude Humor**

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

266. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, “[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model,” “[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade,” or “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the ADTPA. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

267. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice[.]” as defined by Ark. Code Ann. § 4-88-102(5), (7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

268. TikTok knowingly has engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by making deceptive representations to the App Store to obtain a “12+” rating for the TikTok application. TikTok has done so in three separate, independent ways by making deceptive representations related to the age rating of its app. First, TikTok has “[k]nowingly ma[de] a false representation as to the characteristics” of its service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or

practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10). And third, at the very least, TikTok is guilty of “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of this chapter” because TikTok coordinated with Apple to secure its 12+ rating.

269. In particular, TikTok has deceptively represented to the App Store that the TikTok application contains only “infrequent/mild” “Profanity or Crude Humor” when such content is actually abundant on the TikTok platform and is neither “infrequent” nor “mild” in nature. Further, TikTok *permits* heavy profanity on its platform and does not restrict it to adults.

270. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices,” *id.*, by selecting a “12+” rating in the App Store even though the App Store offers TikTok the ability to self-select the appropriate rating of “17+.”

271. TikTok knowingly has and is engaged in “deceptive and unconscionable trade practices,” *id.*, by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

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

273. These practices are material to the decisions of parents and others because TikTok users care about the type of content available on TikTok when deciding whether and how to use (or let their kids use) the app.

274. TikTok knowingly has engaged in these actions knowingly because any reasonable consumer would know that TikTok’s deceptive self-reporting to the App Store, its deceptive statements in the Community Guidelines, and its deceptive public statements would violate

Arkansas's prohibition on false, deceptive, and unconscionable acts or practices perpetrated on consumers.

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

276. Arkansas is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

277. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

278. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## **COUNT V**

### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.***

#### **12+ Age Rating**

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

280. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, "[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model," "[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade," or

“[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the ADTPA. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

281. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice” as defined by Ark. Code Ann. § 4-88-102(5),(7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

282. TikTok has engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by making deceptive representations to the App Store to obtain a “12+” rating for the TikTok application. TikTok has done so in three separate, independent ways by making deceptive representations related to the age rating of its app. First, TikTok has “[k]nowingly ma[de] a false representation as to the characteristics” of its service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10). And third, at the very least, TikTok is guilty of “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of this chapter” because TikTok coordinated with Apple to secure its 12+ rating. *Id.* § 4-88-107(12).

283. In particular, TikTok has long permitted content on its app that TikTok knows and now rates as only suitable for adults. TikTok has allowed minors unrestricted access to that content, while at the same time representing to consumers that the app is appropriate for individuals under age 18.

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

285. TikTok has and is engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by selecting a “12+” rating in the App Store even though the App Store offers TikTok the ability to self-select the appropriate rating of “17+,” and even though TikTok knows it permits and has permitted adult-only content on its platform.

286. These practices are false, unconscionable, and deceptive to Arkansas consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children's App Store activities).

287. These practices are material to the decisions of parents and others because TikTok users care about the type of content available on TikTok when deciding whether and how to use (or let their kids use) the app.

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

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

290. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).



291. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

292. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## COUNT VI

### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.***

#### **T for Teen Age Rating**

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

294. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, “[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model,” “[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade,” or “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the ADTPA. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

295. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice” as defined by Ark. Code Ann. § 4-88-102(5),(7). Additionally, by offering the TikTok app for general consumers on

multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

296. TikTok has engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by making deceptive representations to the Google Play Store and the Microsoft Store to obtain a “T” for “Teen” rating for the TikTok application. TikTok has done so in three separate, independent ways by making deceptive representations related to the age rating of its app. First, TikTok has “[k]nowingly ma[de] a false representation as to the characteristics” of its service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10). And third, at the very least, TikTok is guilty of “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of this chapter” because TikTok coordinated with Google and Microsoft to secure its “T” ratings. *Id.* § 4-88-107(12).

297. In particular, TikTok has long permitted content on its app that TikTok knows and now rates as only suitable for adults. TikTok has allowed minors unrestricted access to that content, while at the same time representing to consumers that the app is appropriate for individuals under age 18.

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

299. TikTok has and is engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by claiming a “T” for “Teen” age rating in the Google Play and

Microsoft Stores, even though TikTok knows it permits and has permitted adult-only content on its platform.

300. These practices are false, unconscionable, and deceptive to Arkansas consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children's App Store activities).

301. These practices are material to the decisions of parents and others because TikTok users care about the type of content available on TikTok when deciding whether and how to use (or let their kids use) the app.

302. TikTok has engaged in these actions knowingly because any reasonable consumer would know that TikTok's deceptive self-reporting to the Google Play and Microsoft Stores, its deceptive statements in the Community Guidelines, and its deceptive public statements would violate Arkansas's prohibition on unconscionable, false, and deceptive acts or practices perpetrated on consumers.

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

304. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

305. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

306. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the

investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## COUNT VII

### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.***

#### **Cumulative Deceptive Representations**

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

308. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, “[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model,” “[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade,” or “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the ADTPA. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

309. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice” as defined by Ark. Code Ann. § 4-88-102(5), (7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

310. TikTok has engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by making deceptive representations to the App Store to obtain a “12+” rating for the TikTok application. TikTok has done so in three separate, independent ways by making deceptive representations related to the age rating of its app. First, TikTok has “[k]nowingly

ma[de] a false representation as to the characteristics” of its service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10). And third, at the very least, TikTok is guilty of “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of this chapter” because TikTok coordinated with Apple to secure its 12+ rating. *Id.* § 4-88-107(12).

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

312. TikTok has and is engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by selecting a “12+” rating in the App Store even though the App Store offers TikTok the ability to self-select the appropriate rating of “17+.” These deceptive representations are also unconscionable and deceptive to Arkansas consumers when viewed cumulatively with the other misrepresentations alleged in this Complaint.

313. TikTok has and is engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores, and these deceptive representations are also unconscionable and deceptive to Arkansas consumers when viewed cumulatively with the other misrepresentations alleged in this Complaint.

314. These practices are false, unconscionable, and deceptive to Arkansas consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children's App Store activities).

315. These practices are material to the decisions of parents and others because TikTok users care about the type of content available on TikTok when deciding whether and how to use (or let their kids use) the app.

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

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

318. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

319. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

320. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## COUNT VIII

### Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101 *et seq.*

#### Restricted Mode

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

322. Arkansas's Deceptive Trade Practices Act prohibits, *inter alia*, “[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model,” “[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade,” or “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the ADTPA. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

323. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice[.]” as defined by Ark. Code Ann. § 4-88-102(5), (7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

324. TikTok has engaged in “deceptive and unconscionable trade practices,” *id.*, by offering and promoting “Restricted Mode” to consumers as a way to limit mature content in the TikTok app. TikTok has done so in two separate ways. First, TikTok has “[k]nowingly ma[de] a false representation as to the characteristics” of its restricted mode service. Ark. Code Ann. § 4-88-107(1). Second, TikTok has engaged in “unconscionable, false, or deceptive act[s] or practice[s] in business, commerce, or trade[.]” *Id.* § 4-88-107(10).

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

326. In fact, Restricted Mode restricts virtually no content available on TikTok and makes mature content widely available to users with Restricted Mode enabled, including in search results in and in each consumer’s algorithmically-driven For You page.

327. TikTok knows and has known that Restricted Mode does not work and has not worked as advertised—that it does not meet user expectations in terms of filtering inappropriate and undesired content—but TikTok nevertheless has continued to highlight Restricted Mode as a “safety” feature and parental control tool.

328. TikTok’s deceptive representations about Restricted Mode are unconscionable, false, and deceptive to Arkansas consumers, namely individuals who download and use the TikTok application or who allow others to download and use the TikTok application.

329. TikTok’s deceptive representations about Restricted Mode are material to TikTok users and especially to parents making decisions about their children’s use of TikTok, because they consider available content controls when choosing whether and how to use the app.

330. TikTok has engaged in these actions knowingly because any reasonable consumer with TikTok’s knowledge would understand that Restricted Mode does not protect users from mature content on the TikTok app.

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



332. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

333. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

334. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## COUNT IX

### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-108 *et seq.***

#### **Deception and Omission of Material Facts**

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

336. Arkansas's Deceptive Trade Practices Act prohibits, when utilized in connection with the sale or advertisement of any service, *inter alia*, the "act, use, or employment by a person of any deception, fraud, or false pretense" or the "concealment, suppression, or omission of any material fact with the intent that others rely upon the concealment, suppression, or omission." Ark. Code Ann. § 4-88-108(a)(1)&(2).

337. Defendants are "[p]erson[s]" and the TikTok app is a "[s]ervice" as defined by Ark. Code Ann. § 4-88-102(5),(7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged "in business, commerce, or trade." Ark. Code Ann. § 4-88-107(a)(10).

338. TikTok has and is engaged in “the act, use or employment” of deception, fraud, or false pretenses Ark. Code Ann. § 4-88-108(a)(1), by making deceptive representations to obtain a “12+” rating for the TikTok application.

339. TikTok has engaged in “the concealment, suppression, or omission of material fact with the intent that others rely upon the concealment, suppression, or omission” Ark. Code Ann. § 4-88-108(a)(2), by omitting the material facts regarding its content to the App Store to obtain a “12+” rating for the TikTok application with the intent that others rely upon its omission.

340. In particular, TikTok has omitted the material fact to the App Store that the TikTok application contains abundant “Alcohol, Tobacco, and Drug Content,” “Sexual Content and Nudity,” “Suggestive and Mature Themes,” and “Profanity or Crude Humor” content on the TikTok platform and is neither “infrequent” nor “mild” in nature, and is in some cases even permitted and/or promoted on TikTok. TikTok users, and especially parents making decisions about their children’s use of TikTok, care about the content available on TikTok when choosing whether and how to use the app.

341. TikTok has and is engaged in “the act, use, or employment” of “deception, fraud, or false pretense” Ark. Code Ann. § 4-88-108(a)(1), by selecting a “12+” rating in the App Store even though the App Store offers TikTok the ability to self-select the appropriate rating of “17+.”

342. TikTok has and is engaged in the act, use, or employment” of “deception, fraud, or false pretense” Ark. Code Ann. § 4-88-108(a)(1), by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores.

343. These practices are unlawful in connection with the sale or advertisement of any service to Arkansas consumers, namely individuals who download the TikTok application or who

allow others to download the TikTok application (like parents who exercise parental controls over their children's App Store activities).

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

345. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

346. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

347. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## **COUNT X**

### **Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-108 *et seq.***

#### **Deception and Omission of Material Facts from TikTok's Community Guidelines**

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

349. Arkansas's Deceptive Trade Practices Act prohibits, when utilized in connection with the sale or advertisement of any service, *inter alia*, the "act, use, or employment by a person of any deception, fraud, or false pretense" or the "concealment, suppression, or omission of any material fact with the intent that others rely upon the concealment, suppression, or omission." Ark. Code Ann. § 4-88-108(a)(1)&(2).

350. Defendants are “[p]erson[s]” and the TikTok app is a “[s]ervice” as defined by Ark. Code Ann. § 4-88-102(5),(7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

351. TikTok has and is engaged in “the act, use or employment” of deception, fraud, or false pretenses Ark. Code Ann. § 4-88-108(a)(1), by making deceptive representations about the content it allows on its platform.

352. TikTok has engaged in “the concealment, suppression, or omission of material fact with the intent that others rely upon the concealment, suppression, or omission” Ark. Code Ann. § 4-88-108(a)(2), by omitting material facts from its public-facing Community Guidelines regarding the content it permits on its platform.

353. In particular, TikTok omits and has omitted from its public-facing Community Guidelines that it permits heavy profanity, explicit lyrics, and the glorification of, encouragement to use, and instructions on how to use, drugs on its platform.

354. TikTok also omitted from its public-facing Community Guidelines a longstanding exception to the application of its drug-related policies in the United States for cannabis-related content.

355. TikTok also has omitted from its public-facing Community Guidelines that it permits content on its platform that portrays minors in a sexualized way, including but not limited to “minor self-sexualized performances” and “minor sexualized framing.”

356. TikTok has and is engaged in “the act, use, or employment” of “deception, fraud, or false pretense” Ark. Code Ann. § 4-88-108(a)(1), by publishing, and continuing to make publicly available, Community Guidelines that do not fully or accurately alert consumers to the

content it allows on its platform. The Community Guidelines misrepresent (affirmatively and by omission) the type of content users will encounter on TikTok, and these misrepresentations are material to consumers' decisions about whether and how to use TikTok (or, in the case of parents, whether and how to let their children use TikTok).

357. These practices are unlawful in connection with the sale or advertisement of any service to Arkansas consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over their children's App Store activities).

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

359. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

360. Each Defendant knew or reasonably should have known of the facts stated in the ADTPA violation alleged in Count I. Ark. Code Ann. § 4-88-113(d)(1). Thus, each Defendant is jointly and severally liable for all penalties and money damages awarded.

361. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs in accordance with Ark. Code Ann. § 4-88-113(e).

## COUNT XI

### Arkansas Deceptive Trade Practices Act, Ark. Code Ann. § 4-88-101, *et seq.*

#### Addictiveness—Unconscionability, Misrepresentations, and Omissions

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

363. Arkansas’s Deceptive Trade Practices Act prohibits, *inter alia*, “[k]nowingly making a false representation as to the characteristics, ingredients, uses, benefits, alterations, source, sponsorship, approval, or certification of goods or services or as to whether goods are original or new or of a particular standard, quality, grade, style, or model,” “[e]ngaging in any other unconscionable, false, or deceptive act or practice in business, commerce, or trade,” or “[k]nowingly facilitating, assisting, intermediating, or in any way aiding the operation or continuance of an act or practice that is in violation of” the Deceptive Trade Practices Act. Ark. Code Ann. § 4-88-107(a)(1), (10), (12).

364. Defendants are “[p]erson[s],” and the TikTok app is a “[s]ervice[.]” as defined by Ark. Code Ann. § 4-88-102(5), (7). Additionally, by offering the TikTok app for general consumers on multiple platforms, Defendants are engaged “in business, commerce, or trade.” Ark. Code Ann. § 4-88-107(a)(10).

365. TikTok has and is engaged in “unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), by creating an app that is intentionally addictive to young people. TikTok has told 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. TikTok has also engaged in “unconscionable trade practices,” *id.*, by omitting in its consumer-facing statements that its app is addictive.

366. TikTok’s “unconscionable trade 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.

367. TikTok’s other public-facing statements, including statements in its Parent Portal, implicitly and explicitly communicate that TikTok is safe and appropriate for minors.

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

369. By creating an app that is intentionally addictive and placing it into the stream of Arkansas commerce, all without warning consumers of its addictiveness (and particularly, its addictiveness to minors), TikTok has engaged in unconscionable trade practices in violation of the ADTPA. Ark. Code Ann. § 4-88-107(a)(1,10) & (b).

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

371. TikTok has 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.

372. This addiction harms Arkansas minors by substantially effecting their mental health and other aspects of their social growth and wellbeing.

373. 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.

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

375. Arkansas is entitled to civil penalties not to exceed \$10,000 for each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3).

376. For compensation for services to investigate and prosecute Defendants' violations of the ADTPA, the Attorney General is entitled to all expenses reasonably incurred in the investigation and prosecution of this suit, including, but not limited to, expenses for expert witnesses, attorney's fees, and costs. Ark. Code Ann. § 4-88-113(e).

## **COUNT XII**

### **Unjust Enrichment**

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

378. Under Arkansas law, unjust enrichment occurs when a party has received something of value to which he or she is not entitled by some operative act, intent, or situation to make the enrichment unjust and compensable.

379. Unjust enrichment can be found when a person has received money or its equivalent under such circumstances that in equity and good conscience he or she ought not to retain.

380. TikTok has received a benefit at the expense of Arkansas citizens in the form of advertising revenue derived from time spent on the TikTok app.

381. Defendants designed the TikTok app to be addictive in nature, thereby monetizing the screen time of Arkansas's citizens and causing harm. Accordingly, the citizens of Arkansas conferred a financial benefit on Defendants but did not receive the expected benefit therefrom.



382. The addictive features and false representations, concealment, omission, and suppression of facts detailed throughout this Complaint were used to generate this ad revenue at the expense of unwary and vulnerable users who were not informed of the harms and dangers associated with the use of the TikTok app, including its addictive features.

383. Through their use of the deceptive, unlawful, and unconscionable practices detailed throughout this Complaint, Defendants readily accepted and retained these benefits at the expense of the citizens of Arkansas and knowingly benefitted from their unjust conduct and were unjustly enriched.

384. It is unjust and inequitable for Defendants to retain these benefits because they were attained by falsely representing, suppressing, and concealing the true nature of their social media platforms from the State's citizens, who would not have spent excessive time on Defendants' app, but for Defendants' deception, false representations, manipulations, and concealment.

385. Equity cannot in good conscience permit TikTok to retain the benefits derived from the State and at the expense of the health and safety of Arkansas citizens through their unjust and unlawful acts, and therefore restitution or disgorgement of the amount of their unjust enrichment is required.

386. There is no valid, legal, and binding contract governing this dispute.

387. The State, therefore, seeks restitution of the sum, to be determined at trial, by which Defendants have been unjustly enriched.

## **VI. PRAYER FOR RELIEF**

WHEREFORE, the State of Arkansas, *ex rel.* Tim Griffin, 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 TikTok’s actions are unlawful, unconscionable, and deceptive to Arkansas consumers under Ark. Code Ann. § 4-88-101 *et seq*;
- B. Preliminarily and permanently enjoin Defendants from continuing to treat Arkansas consumers unconscionably and deceptively in the ways described in these allegations;
- C. Award the State civil penalties of not more than ten thousand dollars per each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3);
- D. Restore any money or personal property such as uploaded content which may have been acquired by means of any practice declared to be unlawful together with other damages sustained. Ark. Code Ann. § 4-88-113(a)(2)(A);
- E. 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;
- F. The State demands a jury trial; and
- G. Grant such other and further relief as this Court deems just and appropriate.

Respectfully submitted,  
**TIM GRIFFIN**  
Attorney General

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*Counsel for Plaintiff, State of Arkansas*

**CERTIFICATE OF SERVICE**

I certify that on this 4th day of October, 2023, I served the foregoing via eFlex on all counsel of record.

/s/ Alexandra C. Benton  
Alexandra C. Benton, ABN 2019154