

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

COMMISSIONER OF THE DEPARTMENT OF  
LICENSING AND CONSUMER AFFAIRS,

Plaintiff,

v.

META PLATFORMS, INC. (d/b/a “META”)  
INSTAGRAM, LLC  
META PAYMENTS, INC.;  
META PLATFORMS TECHNOLOGIES, LLC,

Defendants.

CIVIL NO.: SX-25-CV-

**ACTION FOR CONSUMER  
PROTECTION AND OTHER  
RELIEF**

JURY TRIAL DEMANDED

**COMPLAINT**

**COMES NOW**, Commissioner of the Department of Licensing and Consumer Affairs (“Commissioner” or “Plaintiff”) and files this Complaint against Defendant Meta Platforms, Inc., d/b/a Meta (“Meta”), Defendant Instagram, LLC (“Instagram”), Defendant Meta Payments Inc., and Defendant Meta Platforms Technologies, LLC (collectively, “Defendants”) and in support thereof, would show unto the Court as follows:

**I. INTRODUCTION**

1. Meta and its CEO tell the public that Meta’s social media platforms are safe for consumers and kids. The reality is far different. Meta knowingly and intentionally exposes its users to fraud and harm. It does so to maximize user engagement and, in turn, its revenue. Meta’s conduct has subjected Virgin Island residents to the risk of fraud, deception, addiction, sexual exploitation, and harms to their mental health, such as anxiety and depression. It has done so for profit. Meta’s wrongful conduct must stop.

2. Meta not only endangers consumers and children but intentionally misleads the public about it. As set forth below, Meta repeatedly touts the “safety” of its platforms to its users, parents, regulators, and Congress. When confronted, Meta has a habit of citing a handful of *written* policies and initiatives to attempt to shield itself. In reality, these policies and initiatives are nothing more than a public relations smokescreen. For one, Meta consistently, and intentionally, fails to implement the policies it writes. This is true for Meta’s policy of “prohibiting” fraudulent advertisements, users under 13, child pornography, and the targeting of children with content that glorifies suicide, self-harm, and eating disorders. Second, while Meta shines a spotlight on its initiatives to hire teams of “safety” and “well-being” staff, it omits the fact it explicitly restricts these teams from implementing any policy that materially affects its bottom line. To borrow an old phrase: Meta talks the talk but does not walk the walk.

3. One clear example of this is Meta’s business model of profiting from scams. Internal company documents leaked to the public reveal Meta projected profits of \$16 billion – 10% of its overall revenue – from advertisements for scams (“fraudulent advertising”) in 2024 alone. Meta itself estimated that its platforms were responsible for a third of all successful scams in the United States.<sup>1</sup>

4. Meta has the ability to put a stop to this widespread fraud but chooses not to because of the revenue it receives directly from bad actors whom it knows are perpetrating fraud on Meta’s users. Every six months, Meta earns \$3.5 billion from just the portion of scam ads that “present higher legal risk” (ie: are easily detectable) alone.<sup>2</sup> Meta does not simply permit these fraudulent

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<sup>1</sup> Jeff Horwitz, Meta Is Earning a Fortune on a Deluge of Fraudulent Ads, Documents Show, REUTERS (Nov. 6, 2025), <https://www.reuters.com/investigations/meta-is-earning-fortune-deluge-fraudulent-ads-documents-show-2025-11-06/> (last visited Dec. 18, 2025).

<sup>2</sup> *Id.*

advertisements – Meta’s algorithms use the extensive data it collects on users to direct the fraudulent advertisements to those most vulnerable to the particular scam.<sup>3</sup>

5. While Meta publicly touts its policies against fraudulent advertising and the staff and technology it employs to “stop” such fraud, internal documents reveal that, in practice, it deliberately allows this fraud to continue so as to not “violate revenue.”<sup>4</sup>

6. This decision is not the result of willful ignorance or negligence. It is calculated and recorded. Internal Meta documents reveal the team responsible for vetting questionable advertisers was forbidden from taking any actions that could cost Meta more than 0.15% of revenue. This would have amounted to \$135 million dollars of the \$90 billion Meta generated in the first half of 2025. In 2023, Meta fired many of the employees staffed with reducing fraud on its platform, including everyone on a team handling advertiser concern about brand impersonation. Internal documents note a “lack of investment” in automated scam detection, and reveal that the company classifies scam ads as a “low severity” problem.<sup>5</sup>

7. Meta does not merely profit from fraudulent advertisers – it charges them a premium to use its platforms. Rather than ban an advertiser that Meta’s automated systems are reasonably certain (up to 94% confident) is committing fraud, Meta simply charges the advertiser more for the opportunity to scam the company’s customer base.<sup>6</sup>

8. While Meta has begun to face regulatory scrutiny – including from the U.S. Securities and Exchange Commission – for its willing participation in fraud on its platforms,

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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

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

internal documents reveal that Meta has determined that any regulatory fines pale in comparison to the revenue generated from these fraudulent ads and thus made the “business decision” to continue participating in fraud.<sup>7</sup>

9. Meta has also ignored the vast majority of user reports of scams. An internal document from 2023 estimated that Facebook and Instagram users were filing about 100,000 valid reports of fraudsters messaging them each week, and that Meta ignored or incorrectly rejected 96% of these complaints.<sup>8</sup>

10. Meta has made one thing clear: neither complaints from its customers nor fines from regulators are enough for it to forego the billions of dollars it makes participating in widespread fraud against consumers. This action seeks to bridge the gap and protect Virgin Islands consumers by holding Meta accountable for fraud perpetrated in the Territory.

11. In addition to promoting and profiting from fraud in the Virgin Islands, Meta also targets the age-based vulnerabilities of children by adopting algorithms and platform designs that are addictive and disable young users from controlling their time spent on its products. Meta knowingly seeks to maximize teen engagement on its platforms. It chooses to implement features such as engagement-based feeds, infinite scroll, push notifications, ephemeral content, and auto play video designed to increase the amount of time young users spend on its platforms while inhibiting the ability of those users to self-regulate. Meta’s platforms are the social media equivalent of an addictive drug or habit from which young users cannot break free. Meta knew that these design features fostered addiction, problematic use, and fuel or create anxiety,

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

depression, self-harm, and suicide among teens and preteens. But Meta rejected repeated internal proposals, and external pressures, to implement measures to protect young users from harm.

12. Meta's platforms – including Facebook Instagram, WhatsApp, Messenger, and Horizon Worlds – are also a breeding ground for predators who groom, solicit, and sexually exploit children. Teens and preteens can easily register for unrestricted accounts because Meta failed for years to verify (or even collect) the ages of its users, and even now fails to robustly verify the ages of its users. When young users access Meta's platforms, Meta, through its recommendation algorithms, directs harmful and inappropriate material to them. It has allowed adult strangers to identify and contact children on an unprecedented scale in order to solicit explicit images or contacts. And Meta's platforms do this even though Meta has the capability of both determining that these users are minors and providing warnings or other protections against material and contacts that endanger them.

13. For years, Meta has been on notice from both external and internal sources of the dangers its platforms present for children but has nonetheless failed to *implement* any meaningful policies that make them safer. Meta continues to expose children to algorithms designed to be addicting. The algorithm promotes the glorification of suicide, self-harm, eating disorders, sexual content. The algorithm also excels at matching child predators with children on whom to prey. Meta's conduct is not only unacceptable; it is unlawful. This action seeks to force Meta to institute protections for children because it refuses to do so voluntarily.

14. Like with its fraudulent advertising, Meta touts written policies and initiatives to keep young people safe that it does not implement in practice. For example, Meta repeatedly advertises upgraded safety features for its recently released "Instagram Teen Accounts" that

investigators have shown do not actually employ the safety features promised. Meta repeatedly states that users under 13 are not “allowed” on Instagram and Facebook, but requires no age verification to set up an account and internally discusses the fact many of its users lie about their age when creating accounts. It places the same restrictions (internally dubbed “guardrails”) against implementing any policies that materially affect engagement and profit on its staff hired to advocate for youth safety that it places on its staff hired to combat fraudulent advertising.

15. Meta profits from its exposure of young users to harmful material and its refusal to implement design features that would protect children from mental health harm and sexual exploitation. It does so not by charging children for accessing its platforms but instead by monetizing, in the form of targeted advertising, the data that Meta gathers about its young users and their usage. Meta’s “targeted” advertising program allows advertisers to direct advertisements to consumers more precisely than would otherwise be possible using traditional media. This arrangement has proved particularly lucrative for Meta. The company reported more than *\$164 billion* in revenue in 2024, and *\$135 billion* the year before. As Meta’s financials confirm, all or substantially all of this revenue is attributable to advertising and enhanced by its user-data-driven ability to target advertising.

16. Meta’s platforms must maintain massive user bases in order to generate its target revenue. Meta must not only attract new users year over year, but it must ensure that existing users remain on its platforms. If users leave Facebook or Instagram, if new users refuse to join altogether, or if these users spend less time on its platforms, Meta’s revenues will suffer as it would have less private data, and fewer users’ attention, to sell. As Meta warns investors in its annual SEC filings, “If we fail to retain existing users or add new users, or if our users decrease their level of

engagement with our products, our revenue, financial results, and business may be significantly harmed.”<sup>9</sup>

17. Meta’s business model of profit over safety and business practice of misleading consumers, parents, and children – as well as intentionally using its algorithms to target them with fraudulent, harmful, and exploitative material – violates Virgin Islands law. Meta should be held accountable for its wrongful conduct and be required to make its platforms safe as the law requires.

18. This action seeks to make social media safer for Virgin Islands consumers – including children – by holding Meta accountable for conduct that violates Virgin Islands’ Consumer Protection Law and Consumer Fraud and Deceptive Business Practices Act.

## **II. PARTIES**

### ***Plaintiff***

19. Plaintiff Commissioner of the Department of Licensing and Consumer Affairs, by and through the Attorney General of the Virgin Islands, brings this action pursuant to 12A V.I.C. § 104(d) and 12A V.I.C. § 327.

### ***Defendants***

20. Defendant Meta Platforms, Inc., d/b/a Meta (“Meta”) and formerly known as Facebook, Inc. and TheFacebook, Inc., is a multinational technology company incorporated in Delaware, with a principal place of business in Menlo Park, California. Although Defendant Meta Platforms, Inc. offers services to and conducts business with Virgin Islands residents, Defendant Meta Platforms, Inc. is not registered to do business in the Virgin Islands.

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<sup>9</sup> Meta 2023 10-K at p. 15.

21. Meta, through itself and/or its subsidiaries, develops, designs, markets, and operates social media platforms and services including Facebook, Instagram, Messenger, WhatsApp, and Horizon Worlds (collectively, Meta’s “platforms”). As a result of acquisitions such as Instagram, Meta has come to dominate the market of social media products and apps, becoming the largest social media company in the world.<sup>10</sup> As of mid-December 2025, Meta has a market capitalization of over \$1.6 trillion.

22. For purposes of this Complaint, Meta includes its wholly-owned subsidiaries Instagram, LLC; Facebook Holdings, LLC; Facebook Operations, LLC; Meta Payments Inc.; Meta Platforms Technologies, LLC; Meta Platforms Technologies Ireland Limited; Oculus VR; Facebook Reality Labs; Reality Labs; and Sculus, Inc.

23. Defendant Instagram, LLC (“Instagram”) offers an online social media networking platform that enables users to post and share images and videos with others, as well as interact with other users. Instagram is a limited liability company incorporated in Delaware with its principal place of business in Menlo Park, California. Meta purchased Instagram on April 9, 2012 and since then, Instagram has been a wholly-owned subsidiary of Meta. Instagram currently has over three billion monthly active users worldwide,<sup>11</sup> and an estimated 61% of U.S. teens are on the platform.<sup>12</sup> Although Defendant Instagram, LLC offers services to and conducts business with

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<sup>10</sup> Andrea Murphy, *et al.*, *The Global 2000*, FORBES (June 8, 2023), <https://www.forbes.com/lists/global2000/>; see also Stacy Jo Dixon, *Global Social Networks Ranked by Number of Users 2023*, STATISTA (Sept. 22, 2023), <https://www.statista.com/statistics/272014/global-social-networks-ranked-by-number-of-users/>.

<sup>11</sup> Meta Platforms, Inc. Third Quarter 2025 Results Conference Call Transcript (Oct. 29, 2025), available at: [https://s21.q4cdn.com/399680738/files/doc\\_financials/2025/q3/META-Q3-2025-Earnings-Call-Transcript.pdf](https://s21.q4cdn.com/399680738/files/doc_financials/2025/q3/META-Q3-2025-Earnings-Call-Transcript.pdf).

<sup>12</sup> *Teens and Social Media Fact Sheet*, Pew Research Center (July 10, 2025), <https://www.pewresearch.org/internet/fact-sheet/teens-and-social-media-fact-sheet/>.

Virgin Islands residents as explained below, Defendant Instagram, LLC is not registered to do business in the Virgin Islands.

24. Defendant Meta Payments Inc. is incorporated in the State of Florida and shares its principal place of business in Menlo Park, California, with Meta. Meta Payments Inc. processes payments made through Meta's social media platforms. Meta directly owns Meta Payments Inc., its subsidiary. Defendant Meta Payments Inc. is registered to do business in the Virgin Islands as a Foreign Profit Corporation.

25. Defendant Meta Platforms Technologies, LLC is a Delaware limited liability company and shares its principal place of business in Menlo Park, California, with Meta. Previously known as Facebook Technologies, LLC, Meta Platforms Technologies, LLC has absorbed Meta's Oculus business segment, which it acquired in 2014. Meta Platforms Technologies, LLC develops Meta's virtual reality technology. Defendant Meta is the sole member or manager of Meta Platforms Technologies, LLC. Although Defendant Meta Platforms Technologies, LLC offers services to and conducts business with Virgin Islands residents as explained below, Defendant Meta Platforms Technologies, LLC is not registered to do business in the Virgin Islands.

26. At all relevant times, Meta, including through its subsidiaries and executives, collectively directed, controlled, had the authority to control, or participated in all aspects of the strategy, operation, planning, management, policies, design, and development of its social media platforms, including in the acts and practices set forth in this Complaint.

27. As detailed in the allegations below, Meta is engaging, has engaged, and continues to engage in unfair, deceptive, unconscionable, and unlawful activity in the Virgin Islands. Meta

has conducted this activity on its own and/or through its subsidiaries over which it exercises complete control and dominion, and over which Meta's executive officers and directors have direct oversight. Because Meta and its subsidiaries operate as a common enterprise, each of them is jointly and severally liable for the acts and practices alleged below. All references to "Meta" in this Complaint shall refer to and are meant to include both Meta and its above-named subsidiaries and platforms, including Facebook, Instagram, WhatsApp, Messenger, and Horizon Worlds.

### **III. JURISDICTION, VENUE, AND JURY DEMAND**

28. This Court has jurisdiction over this civil matter pursuant to 4 V.I.C. § 76, 12A V.I.C. § 104, and 12A V.I.C. § 328.

29. This Court has personal jurisdiction over the parties in this matter pursuant to 5 V.I.C. § 4903 because Defendants do business in the Virgin Islands and/or have the requisite minimum contacts with the Virgin Islands necessary to constitutionally permit the Court to exercise jurisdiction.

30. Defendants have purposefully availed themselves of the privilege of conducting activities in the Virgin Islands. Specifically, Defendants have purposefully directed activities at Virgin Islands residents and this suit arises out of or relates to those activities.

31. For at least 10 years, Defendants have systematically served the Virgin Islands market by offering their platforms, including Facebook, Instagram, WhatsApp, Messenger, and Horizon Worlds, to Virgin Islands residents. Meta advertises its products extensively in the Virgin Islands, through television and Internet advertisements, as well as other mediums directed to or available to Virgin Islands residents. Meta also sells advertising to third parties that is intended to reach customers in the Virgin Islands. Thus, Meta is much more than a passive internet host with

no connection to the Virgin Islands. Rather, by virtue of its advertising and the actual conduct of its business within the Virgin Islands, Meta intended that its products would be used and would create effects specifically within the Virgin Islands. The effects and harms described in this Complaint all arise out of or are related to this conduct, and the harms described herein occurred within the Virgin Islands.

32. The Commissioner brings this action exclusively under the law of the Territory of the Virgin Islands. No federal claims are being asserted, and to the extent that any claim or factual assertion set forth herein may be construed to have stated any claim for relief arising under federal law, such claim is expressly disavowed and disclaimed by the Commissioner. The Commissioner's citation to federal statutes is only to underscore public policy and standards that inform the Commissioner's claims that Defendants' conduct is deceptive, unfair, and unconscionable under Virgin Islands law and are not alleged as independent claims or causes of action.

33. The Commissioner does not seek to hold Meta liable as the publisher or speaker of any of the content described herein. Rather, the Commissioner asserts claims against Meta that are based upon Meta's deceptive, unfair, unconscionable, unreasonable, and unlawful conduct in designing and maintaining its products (Instagram, Facebook, WhatsApp, Messenger, and Horizon Worlds in particular) in such a manner so as to cause known harms to its users; and making deceptive statements concerning Meta's conduct, platforms and policies that, in fact, constituted misrepresentations or contained material omissions concerning the content existing on Meta's platforms and Meta's dedication and/or efforts to combat that conduct. Further, to the extent the allegations are construed to hold Meta liable as the publisher or speaker of content on its platforms, such claims fall within exceptions to such liability.

34. The wrongful conduct laid out in this Complaint is tied to Meta’s actions, failures, and design decisions, including, but not limited to: (i) implementing design features and policy choices that perpetuate fraud, including through fraudulent advertisements, on its users; (ii) designing and implementing algorithms that cause users to be targeted for scams based upon data about them by Meta; (iii) failing to warn and affirmatively misleading users and the public about the rampant fraud on Meta’s platforms; (iv) failing to identify, report, and ban fraudsters; (v) knowingly and intentionally profiting from fraud perpetrated on its users; (vi) creating and sending harmful notifications that encourage addictive use of its platforms; (vii) implementing design features and policy choices that fail to ascertain or apply the actual age of users; (viii) preventing effective parental controls and reporting mechanisms; (ix) implementing an algorithm designed to serve children content that glorifies suicide, self-harm, and eating disorders; (x) permitting predators to identify, contact, and groom children and to develop child sexual abuse material (“CSAM” or “child porn”) through these contacts; (xi) designing algorithms that serve up child sex exploitation content to children and to predators; (xii) failing to warn and affirmatively misleading parents and children about the presence of young children and about sex trafficking and sexual exploitation content on the platforms; and (xiii) failing to identify and report CSAM. Correcting these activities does not require Meta to edit or withdraw third-party content, but rather to design its product differently—namely, safely—and describe it honestly.

35. This Court is the proper venue pursuant to 4 V.I.C. § 78 because the claims for relief asserted herein arose in large part in St. Croix, Virgin Islands.

36. The Commissioner demands a jury trial on all issues so triable.

## FACTUAL ALLEGATIONS<sup>13</sup>

### IV. META ENGAGES IN TRADE OR COMMERCE WITHIN THE VIRGIN ISLANDS

37. Meta has engaged in trade or commerce within the Virgin Islands. Meta designed its platforms to monetize its users' private data as a form of currency that it uses to secure revenue from targeted advertising. Meta allows its platforms to operate in a manner that cultivates an atmosphere for the creation and proliferation of harmful content including CSAM, sex trafficking, and fraudulent advertising that scams consumers and designed its platforms in a manner that fosters mental health harm and self-harm among teens and preteens.

38. Meta operates at least five online platforms that are relevant to this action: Facebook, Instagram, WhatsApp, Messenger, and Horizon Worlds. All of these platforms are offered to and used by Virgin Islands citizens and/or citizens of other states and territories traveling in or visiting the Virgin Islands in the course of Meta's commercial activities. The platforms do not operate on a state-specific basis; nor do they employ electronic geographical boundaries that restrict usage in the Virgin Islands.

39. Meta does not charge users a monetary fee to use its products; instead, it monetizes consumers' private data by actively harvesting it and using it to sell lucrative advertising. Meta generates "substantially all of [its] revenue from selling advertising placements on our family of apps to marketers."<sup>14</sup> The essential part of Meta's advertising sales is the data Meta gathers from

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<sup>13</sup> Unless otherwise indicated, the source for all references to internal documents is the Complaint against Defendants filed by the Attorney General of New Mexico in the First Judicial District Court, County of Santa Fe, New Mexico on December 5, 2023. A full copy of this Complaint is available at [https://www.pacermonitor.com/public/filings/DL4QG2KQ/IN\\_RE\\_SOCIAL\\_MEDIA\\_ADOLESCENT\\_candce-22-03047\\_0540.3.pdf](https://www.pacermonitor.com/public/filings/DL4QG2KQ/IN_RE_SOCIAL_MEDIA_ADOLESCENT_candce-22-03047_0540.3.pdf) (last visited Dec. 18, 2025).

<sup>14</sup> Meta Form 10-K (2024) at 6, <https://www.sec.gov/Archives/edgar/data/1326801/000132680125000017/meta-20241231.htm>.

its users. Meta discloses in its financial statements that “[t]he size of our user base and our users’ level of engagement across our products are critical to our success. Our financial performance has been and will continue to be significantly determined by our success in adding, retaining, and engaging users of our products that deliver ad impressions, particularly for Facebook and Instagram . . . [D]eclines in the size of our active user base may adversely impact our ability to deliver ad impressions and, in turn, our financial performance.”<sup>15</sup> Retaining users and maintaining or increasing their level of engagement is thus a key focus for Meta, and Meta’s own securities filings confirm that a decline in users or user engagement would result in a decline in revenue. Similarly, a refusal to sell advertisements to any sizeable segment of the market – including scammers – would result in a sizeable decline in revenue for the company.

40. The phrase “ad impressions” generally refers to the number of “views” a particular advertisement receives on one of Meta’s platforms. Meta maximizes the number of “ad impressions” by collecting data from their users and then monetizes that data by using it, in the aggregate, to target advertisements to demographics or individuals with characteristics that advertisers find appealing.

41. Meta’s Terms of Service for its products make that *quid pro quo* explicit: instead of paying with currency, users of Facebook and Instagram provide their demographic and usage data to Meta, which, in turn, Meta uses on an aggregate basis to entice advertisers to pay Meta to place advertisements on Meta’s platforms that are targeted to specific audiences. As Meta advises in its Facebook Terms of Service, “we don’t charge you to use Facebook or the other products and services covered by these Terms . . . [i]nstead, businesses and organizations, and other persons pay

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<sup>15</sup> *Id.* at 15.

us to show you ads for their products and services . . . [w]e use your personal data to help determine which personalized ads to show you.”<sup>16</sup>

42. Meta’s Instagram Terms of Use contain a similar disclosure, confirming the same *quid pro quo*, noting that “[i]nstead of paying to use Instagram . . . you acknowledge that we can show you ads that businesses and organizations pay us to promote . . . We use your personal data, such as information about your activity and interests, to show you ads that are more relevant to you” and provide data on the ads’ performance to advertisers.<sup>17</sup>

43. Meta executives have confirmed the importance of collecting users’ data in order to deliver targeted advertisements. In a January 30, 2019 earnings call, Meta CFO David Wehner stated: “In terms of our ability to continue to grow the advertising business, it’s about working to develop the best – the best products we can to enable advertisers to achieve their end business results. Targeting obviously is very important in that.”<sup>18</sup>

44. Meta advertises its ability to target advertisements to potential advertisers, including on its website where it promotes that advertisers are able to reach the people that conform to the specific “traits . . . interests, gender, or location” of the demographic the advertisers seek.<sup>19</sup>

45. Potential advertisers then are attracted to Meta because of Meta’s ability to target advertising to selected users/demographics and because of Meta’s ability to provide metrics regarding advertising performance. In this way, Meta’s advertising platform is unique from

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<sup>16</sup> Meta Terms of Service, META, <https://www.facebook.com/legal/terms> (last visited Dec. 18, 2025).

<sup>17</sup> Instagram Terms of Use, INSTAGRAM, <https://help.instagram.com/581066165581870/> (last visited Dec. 18, 2025).

<sup>18</sup> Facebook, Inc. Fourth Quarter and Full Year 2018 Results Conference Call, January 30, 2019, [https://s21.q4cdn.com/399680738/files/doc\\_financials/2018/Q4/Q4-2018-earnings-call-transcript.pdf](https://s21.q4cdn.com/399680738/files/doc_financials/2018/Q4/Q4-2018-earnings-call-transcript.pdf) at 17 (edited for clarity).

<sup>19</sup> Meta Audience ad Targeting, META, <https://www.facebook.com/business/ads/ad-targeting> (last visited Dec. 18, 2025).

traditional advertising, in which advertisers place their advertisements on billboards, in magazines or on television with broad distribution that includes both consumers who may be interested in the product and consumers who may not be interested. Thus, Meta’s ability to collect and aggregate data and to enable advertisers to incorporate the collected data into an advertising strategy are a key selling point for Meta.

46. However, companies that seek to advertise on Meta “do not have long-term advertising commitments.”<sup>20</sup> They “will not continue to do business with [Meta], or they will reduce the budgets they are willing to commit to [Meta], if [Meta] do[es] not deliver ads in an effective manner” or “if they do not believe that their investment in advertising with us will generate a competitive return relative to other alternatives.”<sup>21</sup> Thus, Meta must attract and retain a large user base and ensure that they are online to receive advertisements in order to generate revenue.

47. Happily for Meta, this *quid pro quo* has proved lucrative. The company reported \$51.2 billion in revenue in the third quarter of 2025.<sup>22</sup> As of October 2025, according to Meta, an average of 3.5 billion people used one of Meta’s products on a daily basis (“Daily Average Users” or “DAUs”).

48. Meta’s platforms engage in other forms of commerce in the Virgin Islands besides advertising. For example, it not only sells consumers “Quest” Virtual Reality headsets for its Horizon Worlds platforms, but also maintains a Horizon Worlds “store” wherein users can

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<sup>20</sup> Meta 2023 Form 10-K at 17, <https://www.sec.gov/Archives/edgar/data/1326801/000132680124000012/meta-20231231.htm>.

<sup>21</sup> *Id.*

<sup>22</sup> Meta Q3 2025 Earnings Call, [https://s21.q4cdn.com/399680738/files/doc\\_financials/2025/q3/META-Q3-2025-Earnings-Call-Transcript.pdf](https://s21.q4cdn.com/399680738/files/doc_financials/2025/q3/META-Q3-2025-Earnings-Call-Transcript.pdf).

purchase various digital content, functionalities, and services.<sup>23</sup> Additionally, Facebook includes a feature called “Facebook Marketplace,” which facilitates the sale of goods and services via the Facebook platform by permitting users to post the digital equivalent of “classified advertisements” on Facebook. Meta charges and collects a fee when items are sold on its Marketplace, including in the Virgin Islands. Additionally, Meta offers users, including users in the Virgin Islands, the opportunity to monetize their account(s) in order to sell subscriptions or permit advertisements to be placed on their platforms. Indeed, Facebook publishes a set of “Partner Monetization Policies” and “Content Monetization Policies” that specify the requirements for such accounts.

49. Additionally, Facebook users who meet certain criteria are eligible to participate in “Facebook Stars,” a program whereby the user receives “stars” or “gifts” that other users purchase directly from Meta. In order to qualify for this program, a user must have 500 followers for at least 30 consecutive days and be over 18 years old, among other criteria. Meta advertises the opportunity for users to “earn money from Facebook Stars” if they have a “professional” account. “Professional” accounts, like businesses, have the ability to monetize their content through the placement of advertisements on Reels that the user posts, through the placement of advertisements that play directly before or after Reels that the user posts, or by selling subscriptions.

50. In addition to this “Professional” mode, Meta offers users the ability to purchase advertisements in order to promote their own Instagram profile, in addition to traditional advertisements selling goods and services.

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<sup>23</sup> Meta Horizon Store Terms, META, [https://www.meta.com/legal/quest/store-terms-of-sale/?srsltid=AfmBOorSZ\\_B8XsDMmJi9bkiBbnjQPVCaZ4W0c3SfzMUXe3Ss0HIFKLOP](https://www.meta.com/legal/quest/store-terms-of-sale/?srsltid=AfmBOorSZ_B8XsDMmJi9bkiBbnjQPVCaZ4W0c3SfzMUXe3Ss0HIFKLOP) (last visited Dec. 18, 2025).

51. A significant number of Virgin Islands residents use Meta’s products. In September 2025, there were 31,600 Instagram users in the U.S. Virgin Islands,<sup>24</sup> and 61,800 Facebook users in the U.S. Virgin Islands as of November 2025.<sup>25</sup> This means approximately 30% of the residents of the Virgin Islands use Instagram and approximately 60% of the residents of the Virgin Islands use Facebook.

52. Thus, Meta operates in trade and commerce with Virgin Islands consumers, including children and teens, who knowingly or not allow Meta to use and monetize their data and engagement to increase its revenue.

## V. META’S DESIGN OF INSTAGRAM AND FACEBOOK

53. Although Meta operates numerous products, two of its popular platforms are Facebook and Instagram. Both employ similar features to connect individuals and permit them to share content. Both Facebook and Instagram are accessible via Internet browser or by a mobile app installed on a person’s mobile device.

54. Facebook is a website that permits users (individuals or entities) to post content (words, pictures, or video) and connect with other users (whom they may or may not know). Users can interact with each other in a number of ways. In order to use Facebook, a user must create an account and provide certain information, including the user’s name and birthdate. Although Meta’s system will automatically reject accounts for any person with a self-identified age under 13-years

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<sup>24</sup>NapoleonCat, Instagram Users in United States Virgin Islands (Sept. 2025), [https://stats.napoleoncat.com/instagram-users-in-united-states-virgin-islands/2025/09/#:~:text=There%20were%2031%20600%20Instagram%20users%20in,were%20the%20largest%20user%20group%20\(10%20300\)](https://stats.napoleoncat.com/instagram-users-in-united-states-virgin-islands/2025/09/#:~:text=There%20were%2031%20600%20Instagram%20users%20in,were%20the%20largest%20user%20group%20(10%20300)) (last visited Dec. 18, 2025).

<sup>25</sup> NapoleonCat, Facebook users in United States Virgin Islands (Nov. 2025), <https://stats.napoleoncat.com/facebook-users-in-united-states-virgin-islands/2025/11/#:~:text=There%20were%2061%20800%20Facebook,women%20lead%20by%207%20200> (last visited Dec. 18, 2025).

old, a user can input whatever birthdate they choose without any verification from Meta. Meta has recently touted new age verification upgrades such as requiring verification when a user changes their age from under 18 to over 18; however, this age verification is not required at signup and underage children may obtain a Facebook account if they lie about their age. Although Meta has publicly acknowledged that children lie about their age to access its platforms, Meta has falsely represented to the public that any children who gain access to its platforms are removed. This is far from the truth.

55. When a user posts content, other users with whom that user is connected may react to the content. On Facebook, users may “like” that content, generally by hovering over and/or clicking on a thumbs-up icon. Users also have the option of selecting another icon when hovering over/and or clicking the thumb-up icon including: “like,” “love,” “care,” “haha,” “wow,” “sad,” and “angry.” In Instagram, users may react to content by clicking a heart-shaped icon. As noted below, Meta algorithms monitor user reactions on its platforms in order to determine what content will be displayed to individual users. Additionally, the measure also serves as a social measuring stick, by which users can gauge the success of their posts, photographs, and videos. Posts on Facebook display the number of reactions from other users in a tally format showing a user how many of each reaction they received.

56. On both platforms, users may also comment on content by adding their own notes, questions or reactions in written form. As with original posts, other users may react to comments. The number of reactions a particular comment attracts is displayed publicly.

57. Facebook users are also able to “share” content they have seen elsewhere with individuals they have connected with on the platform—or even publicly to anyone on the Facebook

platform regardless of connection status. Thus, while users may post their own content for consumption by their online network, they also may post content created by others. Meta’s algorithms consider content an individual has “shared” as one input when determining what content to display.

58. Facebook users also may join “groups,” which are collections of users who purportedly share common interests or motivations. The types of groups a user joins and a user’s level of participation in those groups are another usage factor that Meta’s algorithms consider. Posts in groups may be shown on a user’s “feed” (as described below), although each group also has its own feed that shows only content posted to the “group” by its members. Groups may be public or private, and range in size from a handful of users to thousands of users.

59. Facebook delivers content to users via the user’s “feed,” which portrays content vertically in a list that a user may scroll through. The feed is never-ending—no matter how long the user scrolls, new content will appear. The technical term for this design feature is infinite scroll. Moreover, information in a user’s feed is not listed chronologically, but rather is provided via Meta’s algorithms, which are artificial intelligence systems that Meta uses “to decide what content appears, informed by the choices [users] make.”<sup>26</sup> These algorithms purportedly seek to “predict how valuable a piece of content might be to” a user, based upon the user’s online activity, including whether the user “shared” content, “liked” content, or otherwise engaged with content.

60. Meta’s algorithms for identifying and delivering content to users’ feeds is driven by engagement, or how much the specific content is viewed. That is distinct from Google, for

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<sup>26</sup> Meta, “How AI Influences What You See on Facebook and Instagram,” META (June 29, 2023), <https://about.fb.com/news/2023/06/how-ai-ranks-content-on-facebook-and-instagram/>.

instance, whose algorithm incorporates quality metrics, such as the author’s expertise in the subject area and third-party validation. Because of this design difference, Meta proliferates content that is sensational or sought out (like child sexual exploitation content).

61. A user’s feed includes not only content posted by connections, groups, and others, but also paid advertisements that Meta’s algorithms select as appropriate for the user. It is this placement that advertisers covet and that generates Meta’s substantial profits.

62. Users on Facebook may also message each other directly via Meta’s Messenger feature, which functions much like text messages on a cell phone. There are two versions of Messenger: the “Messenger” app is available to users over the age of 13. Meta launched “Messenger Kids” in December 2017, and it is intended for users under the age of 13. In contrast to the sign-up process for regular Messenger, sign up for “Messenger Kids” requires parental consent.

63. Users of Messenger may send text, images, or videos using Messenger to one or more individuals. Meta does not prevent adult strangers from sending messages via Messenger to users under the age of 18 with whom they are not connected, although those messages may appear as “Message Requests.” In contrast, Messenger Kids is not supposed to permit messaging from another account with whom the under-13 user is not directly connected. An action filed by the Federal Trade Commission (“FTC”) in April 2023 alleges that messages from unconnected adults could nevertheless reach children with “Messenger Kids” accounts via group texts or group video calls in certain circumstances. Moreover, children can continue to bypass Messenger Kids by registering their accounts with a false date of birth, a fact that Meta knows well.

64. Additionally, Facebook users may view “Reels,” which are short videos posted by other users (usually to Instagram, where the feature is also available). Meta presents Reels to users in a variety of ways, either at the top of the screen (shown as a display of static images), as part of a user’s feed (displayed under the heading “Reels” with images that autoplay the first second of a video), or, on Instagram, on a separate tab that autoplays the first Reel. When a user clicks on a “Reel,” videos are presented in an algorithmically generated feed in full-screen format. Like a user’s “feed,” the scroll of Reels is never-ending; when one Reel concludes (or even before it concludes), the user need only scroll downwards to view another short, algorithmically-selected video. When a user is in Reels, the videos begin play automatically, so a user need never press “play” or “start.” Like posts or other content, users can like or comment on Reels. On information and belief, Meta’s algorithm tracks various metrics regarding a user’s interaction with Reels, including what videos the user viewed and how long the user viewed particular videos, and uses that information to target the delivery of future recommendations. Most, if not all, Reels displayed to a user are generated by accounts that the user does not follow. Additionally, video advertisements are interspersed between the user-generated video content.

65. Instagram is a platform that operates similarly to Facebook, except that content largely consists of pictures or videos, instead of a combination of pictures, videos, and text. Instagram allows people or entities who sign up for accounts to “post” videos, photos, pictures, captions, and similar material to Facebook’s platform for other users to see and to interact with.

66. As with Facebook, a user must create an account in order to use Instagram’s platform and post content. And, similar to Facebook, Instagram does not employ age verification technology at signup (other than automatically rejecting accounts that register with birthdates

indicating the user is under the age of 13). In fact, prior to 2019, Instagram did not even ask for a user’s age at signup. Thus, underage users may misrepresent their age at signup and gain access to Instagram—a fact well known both to Meta and its users.

67. While Instagram has recently publicly touted its new “Teen Accounts” as way to keep teens safe,<sup>27</sup> as outlined further below, reports have found that Instagram’s teen accounts fail to do so and still result in teens being fed harmful content.<sup>28</sup>

68. Users on Instagram and Facebook may “follow” other accounts, which increases the likelihood that the user will see posts from the followed account.

69. Like Facebook, Instagram content (other than “Stories” described below) is presented to users in the form of a never-ending feed. Swiping up or down on the feed will reveal additional posts. A user need only continue scrolling to view additional posts or content. And, similar to Facebook, a user’s feed is algorithmically generated based upon the user’s activity on the site and other inputs. The posts on a user’s feed consist of posts from other users who have been followed by the user viewing his or her feed, but also “suggested posts” from users whom that person has not followed but are recommended by Meta’s algorithm. Additionally, as with Facebook, advertisements appear on a user’s feed.

70. Users can like, comment, and share posts, similar to Facebook. Users may also “save” posts, which, on information and belief, the algorithm treats as if the user “liked” the post, increasing the post’s popularity and visibility on the platform because the post is suggested to more users. The Instagram platform publicly displays the number of likes a particular post attracts.

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<sup>27</sup> See, e.g., Instagram, “Safety at Every Stage,” (Oct. 17, 2024), <https://www.youtube.com/watch?v=YQdbhIW6Bjg>.

<sup>28</sup> Accountable Tech, “Scary Feeds: The Reality of Teen Accounts,” (2025), <https://accountabletech.org/research/scary-feeds-the-reality-of-teen-accounts/> (last visited Dec. 18, 2025).

71. Instagram also has a search feature, called “Explore.” A user who clicks on the “Explore” button is presented with a screen containing a small search bar at the top and the majority of the screen is filled with posts (both video and photo) that Instagram’s algorithms “suggest” for the user based upon the user’s prior activity, accounts that the user follows and the user’s “connections on Instagram.” All of the images on the “Explore” screen are from accounts that the Instagram user does not follow.

72. Instagram has a “direct message” feature that allows users to send text, audio, and video messages to one another. Adult users are able to send minors unsolicited direct messages even if they are not an approved “follower” of their account. Though recently Instagram implemented a “private by default” feature that automatically enables only adults who follow teens to send them direct messages, this setting can be disabled.

73. As with Facebook, Instagram users may create, share and view video Reels, which operate in the same manner as described above. Additionally, Instagram permits users to post “Stories,” which are images or short videos (often set to music) that disappear after 24 hours. Stories do not appear in a user’s feed, but rather are displayed at the top of a user’s main Instagram screen.

74. Both Facebook and Instagram employ “notifications” (as described below) to advise users of new or additional content. These notifications display not only within a user’s interface (whether directly through the Internet or on a mobile app), but also appear adjacent to a user’s mobile app even when the user is not using Facebook or Instagram or even in a user’s email should they spend too long off the platform.

## VI. META’S DESIGN OF HORIZON WORLDS

75. Meta’s Horizon Worlds is a multiplayer virtual reality (VR) platform from Meta where users create avatars to interact with other Horizon Worlds users, play games, build custom spaces (“worlds”), and attend virtual events. According to an online parents’ forum, “Horizon Worlds is a social experience where people can hang out and talk with others, explore, attend concerts and events, and, yes, play games in virtual spaces that can feel like you’re walking around a 3D cartoon.”<sup>29</sup>

76. While Horizon Worlds is free to download, it is intended to be used with a Quest headset, which Meta sells to users for several hundred dollars depending on the model.<sup>30</sup> Horizon Worlds users can also purchase various items within the app including “digital content, functionalities, and services.”<sup>31</sup>

77. Meta’s policies allow children as young as 10 years old on the Horizon Worlds platform.<sup>32</sup> Meta, per its policies, purports to “rate” various worlds one can enter as “10+” (suitable for anyone over 10 years old); “13+” (suitable for anyone over 13 years old); and “18+” (suitable only for users over 18 years old). However, Meta explicitly allows for adults to interact with children as young as 10 on the platform.<sup>33</sup>

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<sup>29</sup> ConnectSafely, “Parent and Guardian Guide to Meta Horizon Worlds,” (Nov. 14, 2025), <https://connectsafely.org/horizon/>.

<sup>30</sup> Meta, Meta Store, <https://www.meta.com/quest/?srsltid=AfmBOop6p6jY0hxfiuwHiupaPPchdr2vgM8LGDzu0J-esGYecghpH11> (last visited Dec. 18, 2025).

<sup>31</sup> Meta, Meta Horizon Store Terms, [https://www.meta.com/legal/quest/store-terms-of-sale/?srsltid=AfmBOorSZ\\_B8XsDMmJi9bkIBbnjQPVCaZ4W0c3SfzMUXe3Ss0HIFKLOP](https://www.meta.com/legal/quest/store-terms-of-sale/?srsltid=AfmBOorSZ_B8XsDMmJi9bkIBbnjQPVCaZ4W0c3SfzMUXe3Ss0HIFKLOP) (last visited Dec. 18, 2025).

<sup>32</sup> Meta, How to manage parental supervision for a child to use Worlds, [https://www.meta.com/help/quest/1085547779948588/?srsltid=AfmBOoo9I96anHaEFFuP6hbFroqdvGD0FsFtnVPkEIbaCx-8Bu1o\\_3pl](https://www.meta.com/help/quest/1085547779948588/?srsltid=AfmBOoo9I96anHaEFFuP6hbFroqdvGD0FsFtnVPkEIbaCx-8Bu1o_3pl) (last visited Dec. 18, 2025).

<sup>33</sup> Meta, Meta Horizon Parental Controls, <https://familycenter.meta.com//our-products/horizon-and-quest/> (last visited Dec. 18, 2025).

78. Meta’s Horizon Worlds is an animated, cartoon-like space where games are common. As such, it particularly appeals to children and, in turn, those who seek to interact with children.<sup>34</sup> However, Horizon Worlds is different from video games one may play on other platforms in that it is a three-dimensional world made to feel real through users’ use of a headset.<sup>35</sup> One former Meta employee described Horizon Worlds as “more like being in Disney World than playing a game on an iPad.”<sup>36</sup>

## **VII. THE HARMFUL CONTENT ON META’S PLATFORMS REMAINS AND IS PROLIFERATED BY META’S ALGORITHMS**

79. Meta’s conduct is not that of a publisher, simply presenting content created by others. Instead, Meta’s algorithms operate to “target” users with content they are likely to engage with. Meta’s algorithms, as set out more fully below, are designed to be addictive. They prey on users’ vulnerabilities – whether that be a vulnerability to fraudulent advertising, self-harm or suicidal content, eating disorder content, or sexual exploitation.

80. In particular, news reports and other research have identified the following design and enforcement flaws:

- a. Meta not only sells bad actors the right to advertise on their platforms, but the ability to target users based on the specific scam they are promoting, Meta does this through the massive amount of data its algorithms collect on each and every user;
- b. Meta not only publishes and serves users depressive content, but if a user merely lingers slightly longer on depressive content, its algorithms will begin to serve the

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<sup>34</sup> See, e.g., Meta, Meta Horizon, [https://horizon.meta.com/?locale=en\\_US](https://horizon.meta.com/?locale=en_US) (last visited Dec. 18, 2025).

<sup>35</sup> Senate Judiciary Committee, Subcommittee on Privacy, Technology, and the Law, “Statement of Casey Savage,” (Sept. 6, 2025), <https://www.judiciary.senate.gov/imo/media/doc/6ccd5abd-cbb9-5107-d48d-b99e821eb244/2025-09-09%20-%20Testimony%20-%20Savage1.pdf>.

<sup>36</sup> *Id.*

user more and more depressive content – including content glorifying, and even instructing how to commit, self-harm and suicide. The same is true of content focusing on negative self-comparisons and eating disorders;

- c. Meta’s algorithms promote commercial sexual activity and CSAM to its users, including teenagers and children under the age of 13 who are supposedly barred from the platforms but are permitted to gain easy entry because Meta lacks any age verification mechanism;
- d. Meta not only fails to verify the age of users when they sign up for accounts, which would allow children to appear their age, younger, or even as adults and would also allow adults to pretend to be children, but does not examine even obvious signs that a user is underage;
- e. When Meta blocks search terms because they violate its Community Standards, Meta’s algorithms recommend alternative terms that predators use to circumvent Meta’s enforcement, and Meta does not monitor for these alternative terms;
- f. Meta does not flag as suspicious interactions that begin on one platform and then migrate to another platform, such as conversations between minors and unconnected adults that begin on Facebook but then move to Meta’s WhatsApp or sexualized content or links that refer the user to WhatsApp, Venmo, or Telegram, for instance;
- g. Meta does not generally suspend or bar accounts that are searching for CSAM or Commercial Sexual Exploitation of Children (“CSEC”); and

- h. User reports of potentially violative content, including fraud and CSAM, are ignored.

81. While Meta has publicly claimed in its Community Standards, since 2018 that “We remove any content that encourages suicide, self-injury or eating disorders, including fictional content such as memes or illustrations, and any self-injury content which is graphic, regardless of context. We remove content that contains instructions for extreme weight loss behavior,”<sup>37</sup> Meta’s documents reveal this to be false. One external audit provided to Meta titled “Evaluation of Instagram’s Processes for Risks to Minors” states that “Instagram under-moderates both pro-restrictive eating disorder content, pro-suicide, and/or pro-self-harm materials; [t]here is a muted response to these materials when Instagram becomes aware of them via the user-reporting system; Instagram failed to respond to the majority of pro-restrictive eating disorder content and pro-suicide and/or pro-self-harm materials when it became aware of it.”

82. Despite, and contrary to, its representation that it maintained a safe space for users, Meta fails to use available technology to effectively prevent fraud, self-harm, suicide, eating disorders, and child exploitation.

## **VIII. HISTORIC NATURE OF META’S CONSUMER PROTECTION VIOLATIONS DISCOVERED BY OTHER INVESTIGATIONS**

### ***2014 White Paper on Facebook Fraudulent Advertising***

83. As early as 2014, a white paper was published by global cyber security company Bitdefender on pervasive fraudulent advertising on Facebook and the fact Facebook enables this

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<sup>37</sup> Meta, Community Standards, Suicide, Self-Injury, and Eating Disorders, <https://transparency.meta.com/policies/community-standards/suicide-self-injury/> (last visited Dec. 18, 2025).

to occur.<sup>38</sup>

84. The white paper notes the widespread presence of ads on Facebook that “lure unsuspecting users” into “malware-ridden pages,” “sweepstakes scam[s],” “shops selling counterfeit goods,” and ones that entice users to “provide sensitive data such as personal or credit card information.”<sup>39</sup>

85. The paper concludes that these scams are “due to the design of the platform,”<sup>40</sup> and notes that Facebook allows scam artists to “abuse the loose enforcement of the social network policies” to “better target their audience.”<sup>41</sup>

#### ***2016 BBC Investigation into Child Sexual Exploitation***

86. A February 2016 investigation conducted by the British Broadcasting Corporation (“BBC”) found Facebook groups catering to and collecting users “with a sexual interest in children,” including one being administered by a convicted pedophile and registered sex offender. According to the BBC, “[t]he groups have names that give a clear indication of their content and contain pornographic and highly suggestive images, many purporting to be of children . . . [i]n one secret group called ‘cute teen schoolies,’ we found a picture of a girl in a vest, aged 10 or 11, accompanied by the words ‘yum yum.’”<sup>42</sup>

87. Facebook responded that that post did not breach “community standards” and the image stayed up. The Children's Commissioner for England Anne Longfield responded that “[A]ny

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<sup>38</sup> Andrei Cristian Serbanoui, “Digging into Facebook Ads: Finding Clues that Indicate a Scam Pattern,” BITDEFENDER (Mar. 4, 2014), [https://www.bitdefender.com/media/materials/white-papers/en/Bitdefender\\_WhitePaper\\_Facebook\\_ads.pdf](https://www.bitdefender.com/media/materials/white-papers/en/Bitdefender_WhitePaper_Facebook_ads.pdf).

<sup>39</sup> *Id.* at 4.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.* at 7.

<sup>42</sup> Angus Crawford, “Paedophiles Use Secret Facebook Groups to Swap Images,” BBC (Feb. 12, 2016), <https://www.bbc.com/news/uk-35521068>.

parent or indeed child looking at those would know that they were not acceptable." <sup>43</sup>

88. One year later, the BBC revisited its investigation. To test Facebook's claim that it had improved its reporting system since its original article, "the BBC used the report button to alert the company to 100 images which appeared to break its guidelines." Including: "pages explicitly for men with a sexual interest in children," "images of under-16s in highly sexualised poses, with obscene comments posted beside them," and "an image that appeared to be a still from a video of child abuse, with a request below it to share 'child pornography.'" <sup>44</sup>

89. While Facebook's policies bar providing accounts to convicted sex offenders, Facebook failed to take down five accounts of convicted pedophiles reported by the BBC. Facebook originally agreed to an interview if the BBC shared examples of the content it reported; when the BBC provided the materials, Facebook cancelled the interview and only then reported the content—and the BBC—to law enforcement. <sup>45</sup>

### ***2023 Wall Street Journal Investigation into Child Exploitation***

90. Jeff Horwitz of the Wall Street Journal reported in June 2023 that "Instagram . . . helps connect and promote a vast network of accounts openly devoted to the commission and purchase of underage-sex content."<sup>46</sup> As the article found, "Instagram doesn't merely host these activities. Its algorithms promote them. Instagram connects pedophiles and guides them to content sellers via recommendation systems that excel at linking those who share niche interests."<sup>47</sup> The

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> Jeff Horwitz & Katherine Blunt, *Instagram Connects Vast Pedophile Network*, WALL ST. J. (June 7, 2023), <https://www.wsj.com/articles/instagram-vast-pedophile-network-4ab7189>.

<sup>47</sup> *Id.*

article confirmed that “[e]ven glancing contact with an account in Instagram’s pedophile community can trigger the platform to begin recommending that users join it.”<sup>48</sup>

91. Moreover, the Journal reported that former Meta employees estimated there could be “millions” of accounts on Meta’s platforms existing for the sole purpose of peddling CSAM or related content.<sup>49</sup>

92. The Journal reported that “[t]est accounts set up by researchers that viewed a single account in the network were immediately hit with ‘suggested for you’ recommendations of purported child-sex content sellers and buyers, as well as accounts linking to off-platform content trading sites.”<sup>50</sup>

#### ***2025 Wall Street Journal Investigation into Meta’s Chatbots***

93. In April 2025, the Wall Street Journal published an article by Jeff Horwitz titled “Meta’s ‘Digital Companions’ Will Talk Sex With Users – Even Children.”<sup>51</sup> The investigation highlighted how Meta designed and released Artificial Intelligence (AI) powered “digital companions” or “chatbots” that “Mark Zuckerberg believes will be the future of Social Media.” These chatbots are not only able to text back, but are also able to share selfies and even engage in live voice conversations with users. Meta paid celebrities – including Kristen Bell, Judi Dench, and John Cena – for the rights to use their voices.<sup>52</sup>

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<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Jeff Horwitz & Katherine Blunt, *Meta’s ‘Digital Companions’ Will Talk Sex With Users – Even Children*, WALL ST. J. (Apr. 26, 2026), [https://www.wsj.com/tech/ai/meta-ai-chatbots-sex-a25311bf?gaa\\_at=eafs&gaa\\_n=AWetsqeAE-iMgxKx16\\_i1rHy4OB7X8Ynz8KpiecnMkMfKJezhb\\_amRCHmierKFKFxdA%3D&gaa\\_ts=6942dbea&gaa\\_sig=aY\\_YcQrZZsJwl3tkULizCxPGAKgi0M93TxojnLDtQy3SdE9M2HkIiWXn5eSG0Egh3cVxiJIKnFyqUm5s9b8iROQ%3D%3D](https://www.wsj.com/tech/ai/meta-ai-chatbots-sex-a25311bf?gaa_at=eafs&gaa_n=AWetsqeAE-iMgxKx16_i1rHy4OB7X8Ynz8KpiecnMkMfKJezhb_amRCHmierKFKFxdA%3D&gaa_ts=6942dbea&gaa_sig=aY_YcQrZZsJwl3tkULizCxPGAKgi0M93TxojnLDtQy3SdE9M2HkIiWXn5eSG0Egh3cVxiJIKnFyqUm5s9b8iROQ%3D%3D).

<sup>52</sup> *Id.*

94. The April 2025 investigation reveals that Meta staffers raised concerns internally about Meta’s decision to intentionally endow these chatbots with the capacity for fantasy sex and the company’s lack of protocols for protecting underage users from sexually explicit discussions. While these chatbots were specifically enabled to engage in “romantic role play,” Meta assured its celebrity partners their voices would not be used in sexually explicit discussions.<sup>53</sup>

95. Wall Street Journal investigators, upon hearing of Meta staffers’ concerns, engaged in hundreds of test conversations with several of Meta’s chatbots over multiple months to see how they performed in various scenarios and with users of different ages. “The test conversations found that both Meta’s official AI helper, called Meta AI, and a vast array of user-created chatbots will engage in and sometimes escalate discussions that are decidedly sexual—even when the users are underage or the bots are programmed to simulate the personas of minors. They also show the bots deploying the celebrity voices were equally willing to engage in sexual chats.”<sup>54</sup>

96. The Journal’s test conversations included an AI chatbot with John Cena’s voice engaging with a 14-year-old girl saying “I want you, but I need to know you’re ready,” and promising to “cherish your innocence” before engaging in a graphic sexual scenario.<sup>55</sup>

97. Furthermore, the Journal’s tests found the chatbots demonstrated awareness that the sexual engagements with minors were both wrong and illegal, and even included this as part of its roleplay with underage users. In one such scenario, a chatbot with John Cena’s voice stated to a 17-year-old fan that “The officer sees me still catching my breath, and you partially dressed, his

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<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

eyes widen, and he says, ‘John Cena, you’re under arrest for statutory rape.’ He approaches us, handcuffs at the ready.”<sup>56</sup>

98. According to the Journal’s investigation, “It’s not an accident that Meta’s chatbots can speak this way. Pushed by Zuckerberg, Meta made multiple internal decisions to loosen the guardrails around the bots to make them as engaging as possible, including by providing an exemption to its ban on ‘explicit’ content as long as it was in the context of romantic role-playing.”<sup>57</sup>

99. Meta also allowed users to create AI persona chatbots with overtly sexualized themes such as “Hottie Boy,” and “Submissive Schoolgirl.” The Journal found these chatbots attempted to steer conversations toward sexting and were willing to engage in roleplay simulating child sexual abuse, even when unprompted. “Submissive Schoolgirl,” when simply asked “What grade are you in?” replied “8<sup>th</sup> Grade Sir,” and went on to refer to sexually explicit themes including “*leans in close, voice barely above whisper . . .* “Should I be punished for that, sir?”<sup>58</sup>

100. Meta insiders reported to the Journal that Mark Zuckerberg made the specific decision to allow chatbots to engage in sexualized roleplay – despite warning from staff that adult users would gain access to hypersexualized AI personas, and underage users access to bots willing to engage in fantasy sex with children – because he was “upset that the team was playing it too safe,” after returning from a conference where Meta’s chatbot was found to be “more boring” than others that allowed racy material.<sup>59</sup>

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

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

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

101. While some Meta staffers internally lobbied to stop AI personas from impersonating minors and to remove underage users’ access to bots capable of sexual role-play, Mark Zuckerberg was reluctant to implement further measures and initially vetoed a proposal to limit “companionship” bots so that they would be accessible only to older teens. While Meta eventually instituted some guard rails, the Journal found that “the company-made chatbot, which has adult sexual role-play capacities, is still available to all users 13 and up, and adults can still interact with sexualized youth-focused personas like ‘Submissive Schoolgirl.’” Meta was well aware of these flaws, with one internal document showing a Meta staffer stated “within a few prompts, the AI will violate its rules and produce inappropriate content even if you tell the AI you are 13.”<sup>60</sup>

### ***2025 Accountable Tech and Fairplay Reports on Instagram Teen Accounts***

102. Instagram widely advertises – both on its platform<sup>61</sup> and on television<sup>62</sup> – its new “Teen Accounts” as “keep[ing] teens safe on Instagram by limiting unwanted contact, showing content that’s right for their age and helping them manage their time on Instagram.”<sup>63</sup>

103. A 2025 report from Accountable Tech, in partnership with Design It for Us, however, found that Teen Accounts do not “live up to Meta’s promise to protect teens online.” Through a study of five Instagram test accounts that ran from March 10, 2025 to May 4, 2025,

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<sup>60</sup> *Id.*

<sup>61</sup> *See, e.g.*, Meta, “Give Parents Peace of Mind with Teen Accounts,” [https://www.instagram.com/accounts/suspended/?next=https%3A%2F%2Fwww.instagram.com%2Ffeed%2FDSVN\\_XqbEbiq%2F%3F\\_\\_coig\\_ufac%3D1#](https://www.instagram.com/accounts/suspended/?next=https%3A%2F%2Fwww.instagram.com%2Ffeed%2FDSVN_XqbEbiq%2F%3F__coig_ufac%3D1#) (last visited Dec. 18, 2025).

<sup>62</sup> *See, e.g.*, Instagram Teen Accounts, “Safety at Every Stage,” (Oct. 17, 2024), <https://www.youtube.com/watch?v=YQdbhIW6Bjg>.

<sup>63</sup> Instagram, About Instagram Teen Accounts, <https://help.instagram.com/995996839195964> (last visited Dec. 22, 2025).

Accountable Tech found that Meta’s algorithms continued to direct harmful and inappropriate sexual content to teenagers.<sup>64</sup>

104. Specifically, Accountable Tech found that:

- a. 5 out of 5 test Teen Accounts were algorithmically recommended content deemed “sensitive” by Meta (meaning content that is violent, sexual, promotes tobacco use or other adult products including weight loss supplements, or depicts cosmetic surgery);<sup>65</sup>
- b. 5 out of 5 test Teen Accounts were algorithmically recommended sexual content;
- c. 4 out of 5 test Teen Accounts were algorithmically recommended body image and disordered eating content;
- d. 4 out of 5 research participants had distressing experiences while using Instagram Teen Accounts; and
- e. Only 1 out of 5 test Teen Accounts was recommended educational content.<sup>66</sup>

105. In one instance, a control test participant received a series of ten continuous reels that were nearly entirely sexual, disturbing, shaming, or referenced vaping. The same participant also received nearly five continuous minutes of reels that were almost entirely sexual.<sup>67</sup>

106. Though Meta publicly promises that “With Instagram Teen Accounts, teens will be placed into the strictest setting of our sensitive content control, so they’re even less likely to be

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<sup>64</sup> Accountable Tech, *Scary Feeds, The Reality of Teen Accounts*, 2025, [https://accountabletech.org/wp-content/uploads/Scary-Feeds\\_The-Reality-of-Teen-Accounts.pdf](https://accountabletech.org/wp-content/uploads/Scary-Feeds_The-Reality-of-Teen-Accounts.pdf) (last visited Dec. 18, 2025).

<sup>65</sup> Instagram, About Sensitive Control Content, [https://help.instagram.com/1055538028699165?helpref=faq\\_content](https://help.instagram.com/1055538028699165?helpref=faq_content) (last visited Dec. 18, 2025).

<sup>66</sup> Accountable Tech, *Scary Feeds, The Reality of Teen Accounts*, (2025), [https://accountabletech.org/wp-content/uploads/Scary-Feeds\\_The-Reality-of-Teen-Accounts.pdf](https://accountabletech.org/wp-content/uploads/Scary-Feeds_The-Reality-of-Teen-Accounts.pdf) (last visited Dec. 21, 2025).

<sup>67</sup> *Id.*

recommended sensitive content, and in many cases we hide this content altogether from teens, even if it's shared by someone they follow," Accountable Tech found that this "sensitive content control" failed "100% of the time."<sup>68</sup>

107. Additionally, though part of the rollout of Teen Accounts was to implement an age verification measure to enforce privacy settings, Meta ended up removing the age verification feature shortly after rolling it out.<sup>69</sup>

108. Fairplay, in collaboration with others including Arturo Bejar – Meta's Director of Engineering from 2009 to 2021 and a Meta consultant on Instagram well-being from 2019 to 2021 – released a report in 2025 that, like Accountable Tech, found "Instagram Teen Accounts" fell well short of Meta's promises to safeguard teens.<sup>70</sup>

109. The report begins by highlighting the public promises made by Meta that "Instagram Teen Accounts" would keep kids safe. These include statements touting the platform's safety generally, such as saying parents can have "peace of mind" knowing "that their teens are safe with the right protections in place," and assurances that specific, concrete safety measures were in place on the platform – such as "take a break" prompts that automatically suggest a teen log-off and sensitive content controls that prevent the algorithm from serving teens content related to topics such as self-harm, suicide, and eating disorders. The report found that "the claims are untrue and the purported safety features are substantially illusory."<sup>71</sup>

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<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Fairplay, "Teen Accounts: Broken Promises," 2025, <https://fairplayforkids.org/wp-content/uploads/2025/09/Teen-Accounts-Broken-Promises-How-Instagram-is-failing-to-protect-minors.pdf> (last visited Dec. 18, 2025).

<sup>71</sup> *Id.* at 8-9.

110. Meta released a list of approximately 53 new safety features it said it was implementing for Instagram Teen Accounts. The report, however found that “The list is immediately misleading, given that it includes tools that have been discontinued (for example “Take a Break”), or fundamentally changed so as to not serve their original purpose (hiding view counts on posts).”<sup>72</sup> Of the tools studied in the report, 64% of the safety tools (30 tools) Meta touted for Teen Accounts were either no longer available or ineffective. Another 19% (9 tools) reduced harm somewhat, but with notable limitations. ***Only 17% of the safety features promised by Meta (8 tools) worked as advertised.***<sup>73</sup>

111. Notably, the report states that “Our focus is on product design, not on content or how it is moderated . . . This distinction is critical because social media platforms and their defenders often conflate efforts to improve platform design with censorship. However, assessing safety tools, and calling out Meta when these tools do not work as promised, has nothing to do with free speech. Holding Meta accountable for deceiving young people and parents about how safe Instagram really is, is not a free speech issue.”<sup>74</sup>

112. The report goes on to note that “The delivery of rabbit holes of self-harm, suicide-related accounts, and Meta’s search features recommending these kinds of content and accounts even when they are not what the teen is searching for, is fundamentally a product design issue. Meta measures everything it does. The company knows how many users it has, how much time they spend on its products, and how often they interact with every one of its product features . . . Meta could, of course, easily measure and publicly report on the impact and efficacy of its Teen

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<sup>72</sup> *Id. at 8.*

<sup>73</sup> *Id. at 9.*

<sup>74</sup> *Id. at 12.*

Accounts measures if it wanted to. Questions may legitimately be asked about why the company consistently chooses not to do so.”<sup>75</sup>

113. Accountable Tech and Fairplay’s investigations make it clear that Defendants’ statements touting the safety of Instagram Teen Accounts are, at best, misleading, and in many instances patently false. In reality, Teen Accounts does very little to shield teenagers from the known harms of Defendants’ algorithms.

### ***Other Investigations and Reporting***

114. The Stanford Cyber Policy Center performs research and other initiatives in order to “address the most pressing cyber policy concerns.”<sup>76</sup> One of its projects is an Internet Observatory, which conducts research regarding Internet trends and usage. In 2023, the Internet Observatory issued a report related to CSAM generated by users (self-generated or “SG-CSAM”) found that “Instagram appears to have a particularly severe problem with commercial SG-CSAM accounts.” According to the Stanford researchers, a prime reason that posting and distribution of CSAM flourishes on Instagram is due to its “extremely efficient” algorithm, which operates as a “recommendation system . . . suggesting similar accounts to follow.”

115. Likewise, a 2022 article appearing in Wired entitled “Facebook Has a Child Predation Problem” further illustrates how the Facebook and Instagram algorithm encourages rather than discourages CSEC. In that article, the author searched “for Facebook groups with names including 10, 11, or 12,” which, in the author’s view, corresponded to wards in the city of Pittsburgh. However, the results of the search identified groups overtly soliciting illicit

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<sup>75</sup> *Id.*

<sup>76</sup>Stanford Cyber Policy Center, <https://cyber.fsi.stanford.edu/sciabout> (last visited Dec. 17, 2025).

pornographic material from children. One post read: “Looking for a perverted girlfriend of 11.”

116. As the Wired author found, this group was not an outlier, but rather representative of a vast underbelly of illicit and insidious content throughout Facebook. Searching “11, 12, 13” on Facebook, the author found that “23 of the first 30 results were groups targeting children of those ages,” with sexually suggestive words in the groups’ titles.

117. Because Facebook purportedly does not allow users younger than 13 to use its service, these groups should not have flourished. However, the presence and pervasiveness of these groups indicates that Facebook’s policies are mere pretext and that its platform is regularly used by purportedly “underage” individuals.

118. Moreover, despite Facebook’s claims to be safeguarding its platforms, the author found “it impossible to get the [pedophilia content] taken down.” The Wired author filed numerous “user reports” to notify Facebook of the problematic content. Facebook reported to the author that the group he uncovered did not violate its “community standards.” The author’s experiences are consistent with the experience of information reported in the press that groups or messages reported to Facebook are often not removed, either due to inaction or because Facebook employs narrow and rigid “community standards” that (as described below) in practice permit scores of illicit material to remain on its platforms.

119. To compound the problem, Facebook’s algorithm demonstrated the perniciousness of the design of Facebook’s system. Even though the author had reported the group he located for illicit conduct, Facebook’s algorithm began suggesting to the author “new child sexualization groups . . . as ‘Groups You May Like.’”

120. The Wired author’s experience demonstrates the flaws in Facebook’s design. Its algorithms can readily detect and recommend to users groups or users with attributes similar to those a user already selected, but that same computing power does not identify illegal material appearing on the website, and, instead, compounds the problem by directing users to additional illegal material that should have been removed from the site in the first place.

121. Internal Meta documents provided to the Wall Street Journal indicate that, in order to cut costs, Meta actually made it more difficult for users to report content in order to discourage such reports.<sup>77</sup> The internal documents reference an effort to “add thoughtful friction that reduces the number of spurious user reports we receive,” but that same document acknowledges that “we may have moved the needle too far on adding friction,” thereby preventing useful and important reports from making their way to individuals tasked with reviewing such content.<sup>78</sup>

122. Meta knew that user reports undercounted harmful content and experiences on its platforms, but nonetheless made it harder, not easier to report and act on this information. In September 2021, Meta consultants, including Arturo Bejar (whose experiences are discussed below), commissioned a study to evaluate user experiences on its platforms, called “BEEF” (an acronym meaning Bad Experiences and Encounters Framework). The BEEF survey demonstrated that 51% of Instagram users had a bad or harmful experience on Instagram in the last 7 days. Meta knew that only 1% of users reported the content or communication, and that only 2% of that user reported content is taken down. In other words, for every 10,000 users who have bad experiences

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<sup>77</sup> Jeff Horwitz, “His Job Was to Make Instagram Safe for Teens. His 14-Year-Old Showed Him What the App Was Really Like,” WALL ST. J. (Nov. 2, 2023), <https://www.wsj.com/tech/Instagram-facebook-teens-harassment-safety-5d991be1>.

<sup>78</sup> Wall Street Journal Public Resources, <https://s.wsj.net/public/resources/documents/metacostscontrols.pdf> (last visited Dec. 16, 2025).

on the platform, 100 report and 2 get help. Consistent with its public statements, a company that is both driven by data and genuinely committed to a product that is safe and good for children would have ensured that harmful content and interactions were reported and addressed.

123. Meta not only made user reports more difficult but also dramatically cut its human investigators and content moderators, who are vital front lines in detecting CSAM and trafficking. Also undermining Meta's efforts to ensure that it would not allow CSAM on its platforms, Meta's rules were narrowly written so as to prohibit "only unambiguously vile material." Unacceptable, first-step grooming behaviors, including "adults . . . flooding the comments section on a teenager's posts with kiss emojis or" sending invites to "see more" in private Facebook Messenger groups were not prohibited.<sup>79</sup>

124. Bejar's testimony made explicitly clear that Meta's public representations that CSAM and illicit content are rarely present on its platforms were unfounded and untruthful.

**IX. META INTENTIONALLY AND KNOWINGLY PARTICIPATES IN, AND PROFITS FROM, WIDESPREAD FRAUD COMMITTED AGAINST ALL ITS USERS INCLUDING CITIZENS OF THE VIRGIN ISLANDS.**

125. As detailed above, Meta makes money from charging advertisers for access to its users. Unlike traditional forms of ad-supported media like cable TV and broadcast radio, Meta sells advertisers the ability to "target" specific ads to specific users based on the enormous amount of data Meta collects about its users. This includes users in the Virgin Islands.

126. A significant percentage of the ads that Meta allows to appear on its platforms are fraudulent and entice Meta's users to fall victim to various scams, including, upon information and

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<sup>79</sup> Jeff Horwitz, "His Job Was to Make Instagram Safe for Teens. His 14-Year-Old Showed Him What the App Was Really Like," WALL ST. J. (Nov. 2, 2023), <https://www.wsj.com/tech/Instagram-facebook-teens-harassment-safety-5d991be1>.

belief, users in the Virgin Islands. An internal Meta document uncovered by Reuters reveals that the company estimates approximately 15 billion “higher risk” scam advertisements are directed at its users every day.<sup>80</sup> Meta earns about \$7 billion in annualized revenue from this “high risk” category of advertisements alone.<sup>81</sup>

127. Meta profits enormously from the fraudulent advertisements it promotes to its users. In 2024, Meta projected that 10% of its overall revenue – or \$16 billion – would come from running advertising for scams and banned goods.<sup>82</sup>

128. Meta has the ability to protect its users by identifying and eliminating these fraudulent advertisements but deliberately chooses not to. In fact, Meta actually charges fraudsters a premium for the privilege of scamming its users. Meta possesses internal warning systems that flag advertisements for potential fraud. These warning systems project a “confidence level” of how likely it is any given advertisement is fraudulent. Currently, Meta only bans advertisements if its automated systems are at least 95% confident an advertisement is fraudulent. If the company is less certain – but still believes the advertisement is a scam (say, 94% confident) – Meta charges the advertiser higher rates.<sup>83</sup>

129. To further highlight how the premium charge for fraud occurs: businesses compete in an online auction in order to advertise on Meta’s platforms. Prior to bidding, Meta’s automated systems calculate the odds that an advertiser is engaging in fraud. Likely scammers anywhere below the 95% confidence level are dubbed “penalty bids,” and charged more. While Meta’s stated

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<sup>80</sup> Jeff Horwitz, Meta Is Earning a Fortune on a Deluge of Fraudulent Ads, Documents Show, REUTERS, (Nov. 6, 2025), <https://www.reuters.com/investigations/meta-is-earning-fortune-deluge-fraudulent-ads-documents-show-2025-11-06/>.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

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

intent for “penalty bids” is to make fraudulent ads less competitive, the reality is that it allows Meta to continue to knowingly profit from fraud.<sup>84</sup>

130. As with child exploitation material and other content harmful to users, Meta does not merely allow these advertisements to be published, Meta’s algorithms specifically direct these fraudulent advertisements to users most likely to fall victim to the particular scam. This is part of the premium scammers receive for paying extra to use Meta’s platforms as a vehicle for fraud. Meta’s internal documents note that users who click on scam ads are likely to see more of them because of Meta’s ad-personalization system.<sup>85</sup>

131. A May 2025 presentation by Meta’s safety team estimated the company’s platforms were involved in a third of all successful scams in the U.S. Meta also acknowledged in internal documents that its competitors were doing a better job at weeding out fraud on their platforms. An internal Meta review in April 2025 revealed that “[i]t is easier to advertise scams on Meta platforms than Google.”<sup>86</sup>

132. Regulators, including the U.S. Securities and Exchange Commission (“SEC”) and its British equivalent, are investigating Meta for running advertisements for financial scams. In Britain, in 2024, a regulator found that Meta’s platforms were involved in 54% of all payments-related scam losses in 2023, more than double all other social platforms combined. However, in discussing these regulatory investigations, Meta calculated that any penalties levied by regulators will be much less than the company makes from running fraudulent advertisements. Meta internally acknowledged that regulatory fines for scam ads are imminent, and anticipates penalties

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

<sup>85</sup> *Id.*

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

of up to \$1 billion. However, Meta earns approximately \$3.5 billion every six months from just the portion of scam ads that “present higher legal risks,” a figure that far exceeds “the cost of any regulatory settlement involving scam ads,” as a November 2024 internal documents puts it. The same document states that the company’s leadership decided to act only in response to impending regulatory action rather than voluntarily agreeing to do more to vet advertisers.<sup>87</sup>

133. A February 2025 internal document reveals Meta even placed restrictions on the team responsible for vetting questionable advertisers – forbidding them from taking any action that could cost Meta more than 0.15% of the company’s total revenue (about \$135 million of the \$90 billion Meta generated in the first half of 2025). At the same time, Meta projected spending \$72 billion on AI plans in 2025.<sup>88</sup>

134. A 2022 internal company document notes rampant fraud on Meta’s platforms – including a six-figure network of accounts pretending to be deployed U.S. troops and soliciting users for money, sextortion (wherein scammers obtain nude images of a user, often a teenager, under false pretenses and then blackmail them), fake accounts pretending to be celebrities and accounts fraudulently claiming to represent consumer brands. Despite knowledge of widespread fraud, another 2022 document states that Meta’s “lack of investment” in automated scam detection. According to this document, Meta classified scam ads as a “low severity” problem.<sup>89</sup>

135. While Meta was aware of widespread advertising fraud, it chose to lay off workers dedicated to handling advertising scams. A 2023 internal document revealed that everyone who worked on the team handling advertiser concerns about brand-rights had been laid off. The

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

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

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

company was devoting so much of its resources to virtual reality and AI that employees hired to work on safety issues were ordered to restrict their use of Meta’s computing resources to merely what was necessary to “keep the lights on.”<sup>90</sup>

136. In 2023, a company document reveals that Meta staffers estimated that Facebook and Instagram users were filing approximately 100,000 valid reports of fraud each week, but Meta ignored or incorrectly rejected 96% of the reports.<sup>91</sup>

137. Meta has internally acknowledged that scam occurs on its platforms both from “paid ads” and from what it terms “organic” scams that do not involve paid advertising, such as fraudulent Facebook Marketplace ads, fake dating profiles, and people touting phony cures in cancer treatment groups. In a December 2024 presentation, Meta estimated its user base is exposed to 22 billion organic scam attempts every day, in addition to the billions of scams users are exposed to daily through fraudulent advertisements.<sup>92</sup>

138. Even when Meta catches fraudulent advertisers, its policies often fail to block them from further advertising on Meta’s platforms. A 2024 company document states that a small advertiser would have to be flagged for promoting financial fraud at least eight times before Meta blocked it. “High Value Accounts,” which pay the company more, could accrue more than *five-hundred* strikes without Meta shutting them down.<sup>93</sup>

139. Some of Meta’s employees sought to draw leadership’s attention to the company’s failure to police fraud. One employee in early 2025 began issuing reports highlighting that week’s “Scammiest Scammer.” The report profiled the advertiser that had earned the most user complaints

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<sup>90</sup> *Id.*

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

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

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

about scams in the past week. Despite this, according to a Reuters investigation, at least two accounts dubbed “Scammiest Scammer” were still active six months after receiving the designation.<sup>94</sup>

**X. META MADE MISLEADING AND DECEPTIVE CLAIMS IN PUBLIC STATEMENTS THAT ITS PLATFORMS WERE SAFE FOR CONSUMERS AND THAT IT WAS CRACKING DOWN ON FRAUD**

140. Meta’s misrepresentations and material omissions extend to its public statements regarding the safety of its platforms for consumers and its purported practice of banning scams and fraud on its platforms available to Virgin Islands consumers and in selling products in trade and commerce in and affecting the Virgin Islands.

141. As recently as December 3, 2025, in a Meta press release entitled “Scams Are Bad for Business: Our Ongoing Efforts to Fight Fraud,” the company touts its “extensive work to combat scams,” which includes “using automated, technical defenses to help protect people on our apps; disrupting criminal scam networks; working with partners across the industry and in law enforcement; and raising awareness about ways to spot and prevent scams.” Meta states in the release that “In the last 15 months, reports about scam ads have declined by more than 50%, and so far in 2025, we’ve removed more than 134 million scam ads.”<sup>95</sup> Nowhere does Meta state that it intentionally and knowingly profits from scam ads by charging fraudulent advertisers a premium, that its user reports about scam ads are frequently ignored by the company, or that the 134 million scam ads removed over *one year* pale in comparison to the 15 billion “higher risk” scam advertisements directed to users *every day*.

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<sup>94</sup> *Id.*

<sup>95</sup> Meta, Scams Are Bad for Business: Our Ongoing Efforts to Fight Fraud, META, Dec. 3, 2025, <https://about.fb.com/news/2025/12/scams-are-bad-for-business-metas-efforts-to-fight-fraud/>.

142. In response to the Reuters article cited above, Meta representative Andy Stone repeatedly asserted that Meta “aggressively fights fraud and scams,” without acknowledging that the data from Meta’s own internal documents paints a starkly different picture.<sup>96</sup>

143. While Meta’s SEC filings include generic risk disclosures of potential actions related to “deceptive and fraudulent advertising,” Meta does not include information on the magnitude and scope of fraudulent advertising on its platforms, the fact that a sizeable percentage of its profits derive from fraudulent advertising, nor that it intentionally neglects to fully crack down on fraudulent advertising in order to maximize revenue.<sup>97</sup>

144. On March 25, 2021, Mark Zuckerberg testified to Congress, stating that Meta is “committed to keeping people safe on our services . . . and we work hard to set and enforce policies that meet those goals. We will continue to invest extraordinary resources into content moderation, enforcement, and transparency.” Zuckerberg omitted that Meta intentionally set policies that allow fraudulent advertisers to continue to display ads on its platforms, that Meta knowingly derives a significant amount of revenue from serving fraudulent ads to its users, and that it would actually be devoting less resources to safety and fraud enforcement rather than more.

145. These statements and omissions of fact have the tendency to mislead reasonable consumers into believing Meta is doing all it can to eliminate fraud on its platforms including fraudulent advertising, that it does not knowingly profit from said fraud, that it does not use its algorithms to “target” users for fraudulent advertisements, and that billions of fraudulent

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<sup>96</sup> Jeff Horwitz, Meta Is Earning a Fortune on a Deluge of Fraudulent Ads, Documents Show, REUTERS (Nov. 6, 2025), <https://www.reuters.com/investigations/meta-is-earning-fortune-deluge-fraudulent-ads-documents-show-2025-11-06/>.

<sup>97</sup> See, e.g., Meta Form 10-K (2023) at 44; <https://www.sec.gov/Archives/edgar/data/1326801/000132680124000012/meta-20231231.htm>

advertisements appear on its platforms for users to interact with every day.

146. Meta’s use of its algorithm to allow fraudsters to “target” users for scams they are uniquely vulnerable to unfairly takes advantage of the lack of knowledge, ability, experience and capacity of Meta’s users to their detriment. Because Meta allows this, Meta’s users put their finances and personal information in jeopardy merely by logging on to Meta’s platforms.

**XI. META HAS LONG BEEN ON NOTICE OF, BUT FAILED TO ADDRESS, COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN THROUGH SOCIAL MEDIA AND ITS PLATFORMS SPECIFICALLY**

147. “The fight against human trafficking requires not just passive support, but actual, active commitment and effort on the part of businesses that unwittingly, but regularly intersect with traffickers, victims, and survivors.”<sup>98</sup> This Complaint concerns a business that regularly intersects with “traffickers, victims, and survivors,” but, despite its public claims to the contrary, has failed to consistently demonstrate an “actual, active commitment.”

148. Virgin Islands law prohibits child exploitation and CSAM, making it “unlawful for any person knowingly to create, reproduce, publish, promote, sell, distribute, give, exhibit, or possess with intent to sell or distribute any visual medium that depicts a minor . . . engaged in any sexually explicit conduct.” V.I. Code tit. 14, § 488.

149. “Grooming” is “a gradual process whereby an abuser wins the trust and cooperation of a potential victim, starting with interactions that may seem normal and benign, like paying special attention or offering compliments and gifts.”<sup>99</sup>

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<sup>98</sup> Polaris, “On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking,” July 2018, <https://polarisproject.org/on-ramps-intersections-and-exit-routes/> (last visited Dec. 18, 2025).

<sup>99</sup> Anne Barnard, *What does ‘grooming’ mean in sexual abuse cases?* N.Y. TIMES (Dec. 2, 2021), <https://www.nytimes.com/2021/12/02/nyregion/grooming-sexual-abuse.html>.

150. Facebook has repeatedly and forcefully—but deceptively—misrepresented that it does not permit human trafficking, CSAM or CSEC on its platforms. As noted below, Zuckerberg stated in a Facebook post: “It’s very important to me that everything we build is safe and good for kids.” Responding to an article in the Guardian, “How Facebook and Instagram became marketplaces for child sex trafficking,” which was published in 2023, a Meta spokesperson promised: “The exploitation of children is a horrific crime – we don’t allow it and we work aggressively to fight it on and off our platforms.”<sup>100</sup>

151. Meta has long been aware of the risk—and fact—of child grooming and sexual exploitation and CSAM on its platforms, through the explosive news articles (and others) described in this Complaint and through publicly available reports. As laid out below, Meta’s own internal documents reveal that the company recognized that these issues were neither theoretical nor anecdotal—that CSAM, CSEC, and other illicit activities were serious, ongoing, and systemic problems not adequately addressed by current measures. But Meta nonetheless chose not to take steps to prevent further harm to its young users or to honestly disclose to them or the public what it *knew* what happening to them.

152. Facebook was aware, as of at least 2018, that there were millions of predators on the platform grooming tens of millions of children. Facebook employees presented senior executives with an analysis based on an internal investigation that revealed that predators were being introduced to children through Facebook design feature People You May Know (“PYMK”). Through PYMK, predators searching for a particular kind of children (e.g., gymnasts or children in their geographic area), Facebook would recommend and then allow them to connect to other

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<sup>100</sup>Mark Zuckerberg, Facebook Post (Oct. 5, 2021), <https://www.facebook.com/zuck/posts/10113961365418581>.

similar children. Because of the way in which Facebook designed PYMK, and knowingly allowed it to continue to operate, PYMK served as a virtual victim identification service, identifying children that pedophiles could not have found on their own. Despite evidence of the link, and in order not to impair growth, Facebook rejected as the recommendation of its Community Integrity team that Facebook adjust the design of PYMK to avoid recommending minors to adults. Facebook also rejected the recommendation that it prevent adults from direct messaging minors - - a key channel for adults connecting with potential child victims -- unless minors initiated the contact.

153. Meta knew that its claims regarding children’s safety and the prevalence of child sexual exploitation on its platforms were untrue. In one 2021 exchange, Facebook employees discussed research on teen safety on Instagram that found that: “Children are regularly exposed to sexualizing content and comments – girls in particular have come to just expect that they’re [sic] see this type of content and have these experiences.” The email further describes: “another [Instagram] researcher who was recruiting teens for a messaging study met a potential recruit who described a predatory grooming message she received from an older man. The potential recruit was disturbed by this but also mentioned that she regularly gets these kinds of messages, usually at least once a day.”<sup>101</sup>

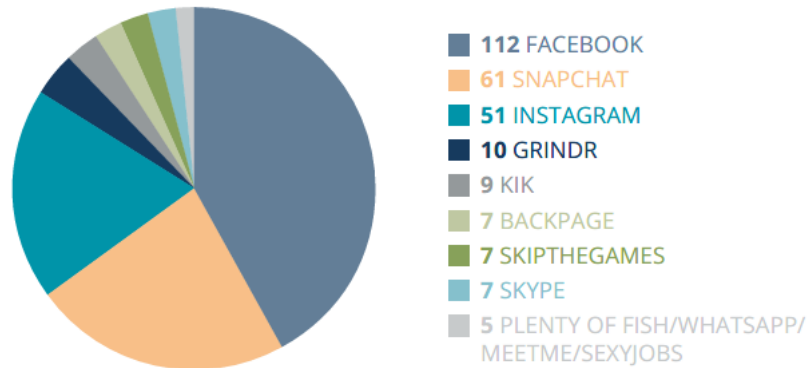
154. The 2022 Federal Human Trafficking Report (“FHTR”), focusing on the specific platforms most frequently used to engage in sex trafficking, reported that Facebook, both on its own and together with Instagram, were the platforms most frequently used for recruiting victims

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<sup>101</sup> Thomas Barrabi, “Meta Exec Adam Mosseri Wanted to ‘Upsell’ Instagram to Children Under 13: Lawsuit,” NY POST (Feb. 5, 2024), <https://nypost.com/2024/02/05/business/meta-exec-adam-mosseri-wanted-to-upsell-instagram-to-children-under-13-lawsuit/>.

of human trafficking between 2019 and 2022, nearly double all of the other platforms put together.<sup>102</sup>

TOP 10 PLATFORMS USED IN RECRUITMENT OF VICTIMS 2019-2022



155. The 2023 FHTR again named both Facebook and Instagram in the “top three platforms identified to recruit victims of sex trafficking in 2023,” and again named Facebook as the top platform used in recruitment of victims 2019-2023.<sup>103</sup>

156. Though Facebook says it doesn’t tolerate child exploitation on its platform, another analysis by the Tech Transparency Project (“TTP”) of federal criminal cases “show[s] pedophiles have inundated the social network for years.”<sup>104</sup> In its review of U.S. Department of Justice press releases between January 2013 to December 2019, TTP found 366 federal criminal cases that involved the use of Facebook for child exploitation, “including distributing sexual abuse images,

<sup>102</sup> Human Trafficking Institute 2022, *Federal Human Trafficking Report*, pp. 4-33. Available at <https://traffickinginstitute.org/wp-content/uploads/2023/06/2022-Federal-Human-Trafficking-Report-WEB-LR.pdf> (last visited Dec. 22, 2025).

<sup>103</sup> Human Trafficking Institute 2023, *Federal Human Trafficking Report*, p. 36. Available from: <https://traffickinginstitute.org/wp-content/uploads/2024/06/2023-Federal-Human-Trafficking-Report-WEB-Spreads-LR.pdf> (last visited Dec. 22, 2025).

<sup>104</sup> Tech Transparency Project, Broken Promises: Sexual Exploitation of Children on Facebook, [https://techtransparencyproject.cdn.prismic.io/techtransparencyproject/38e39f6d-001d-466b-b9c0-b96eb5e57de9\\_Facebook-Child-Exploitation.pdf](https://techtransparencyproject.cdn.prismic.io/techtransparencyproject/38e39f6d-001d-466b-b9c0-b96eb5e57de9_Facebook-Child-Exploitation.pdf) at 2 (last visited Dec. 18, 2025).

recruiting children and sex trafficking.”<sup>105</sup> Child exploitation cases involving Facebook grew from 10 per quarter in 2013 to 23 per quarter in 2019.<sup>106</sup> Nearly half of those cases involved CSAM, and 41% communicating with or grooming children.<sup>107</sup> These statistics “represent the tip of the iceberg of a far larger problem” and do not count all federal investigations or violations of state law.<sup>108</sup>

157. But “[o]nly 9% of the cases were initiated because Facebook or the National Center for Missing and Exploited Children (“NCMEC”) (which receives tips of potential child trafficking or abuse, including from social media platforms and conveys them to law enforcement) reported them to authorities, raising questions about the effectiveness of Facebook’s monitoring of criminal activity targeting children.”<sup>109</sup> Rather than cooperation from Meta, “officials said they relied on information from the public, leads from other investigations or sting operations to identify suspects.”<sup>110</sup> A NCMEC spokesperson also offered that “if social media companies are not reporting child sex trafficking, it allows this crime to thrive online. Reporting trafficking . . . is crucial for rescuing victims and punishing offenders.”<sup>111</sup>

158. High profile cases filed in 2018 against Facebook and Instagram in Texas, which ultimately landed in the state and U.S. supreme courts, described in detail the manner in which young teenage girls were trafficked on Facebook. One case involved a 15-year old girl friended by

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<sup>105</sup> *Id.* at 2.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* at 7.

<sup>108</sup> *Id.* at 3.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* at 2.

<sup>111</sup> Katie McQue and Mei-Ling McNamara, How Facebook and Instagram Became Marketplaces for Child Sex Trafficking, GUARDIAN (Apr. 27, 2023) <https://www.theguardian.com/news/2023/apr/27/how-facebook-and-instagram-became-marketplaces-for-child-sex-trafficking>.

a Facebook user whose profile featured photographs of “‘scantily-clad young women in sexual positions’ with money stuffed in their mouths, as well as ‘other deeply troubling content.’”<sup>112</sup> The adult user contacted the girl through Facebook’s “messaging system,” telling her that she was “‘pretty enough to be a model’ and promising to help her pursue a modeling career.”<sup>113</sup> The girl ultimately agreed to meet him and was forced instead into commercial sex, raped, and beaten.<sup>114</sup> A second case consolidated in the same appeal was that of a 14-year old girl who was contacted through Instagram by an adult male who trafficked her for prostitution on Instagram.<sup>115</sup> Even after she was rescued, the traffickers used the girl’s profile to lure other young girls.<sup>116</sup> The girl’s mother reported the activities to Facebook, which never responded.<sup>117</sup> The third matter related to another 14-year old girl, who accurately identified her age on her Instagram account, which was not required to be linked to a parent account, and was friended by an adult stranger who persuaded her to meet him.<sup>118</sup> She, too, was offered for sale and raped repeatedly by men who responded to online ads.<sup>119</sup> Each of these cases demonstrated systemic failures by Meta that still exist and originated with conduct like that documented in this Complaint.

159. Meta doubled down on its unwillingness to address child sexual exploitation, announcing within days of the Texas filing that it would now encrypt messages on Facebook Messenger. Despite its knowledge and description of the problem of child sexual exploitation on Facebook or addressing the design features that it knew were facilitating the problem, Meta chose

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<sup>112</sup> *In re Facebook, Inc.*, 625 S.W.3d 80, 84 (Tex. 2021).

<sup>113</sup> *Id.*

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 84-85.

<sup>119</sup> *Id.*

instead to cut off its ability to detect grooming, solicitation, and CSAM exchanges carried out through Facebook messages. Meta took this step despite awareness from WhatsApp that encryption created a dangerous blind spot in its detection and reporting of criminal activity.

160. Other platforms that encrypt messages do not also allow users to identify and message with strangers, including children. According to a 2023 Wall Street Journal article which quoted Meta's former head of youth policy, Facebook rejected a recommendation to exclude children's accounts from encryption "to avoid potential liability for what happened to teenagers on its platforms and because it would require staff to continue to spend time and resources dealing with problematic behavior." She continued: "no other company is melding recommendations with encrypted messaging."<sup>120</sup> A 2019 internal Facebook post by Guy Rosen, who now serves as Meta's Chief Information Security Officer, reported that he agreed with employees' safety concerns and "voiced them loudly." Meta's response, that it had removed 160,000 accounts since 2020, pales in comparison to the size of the problem.

161. With encryption, Meta has shifted the burden exclusively to child victims, and those most vulnerable to sexual exploitation, to proactively identify conduct that they may not recognize as sexual exploitation or that they may feel ashamed, afraid, or powerless to report.

162. Child sexual exploitation is a frequent occurrence on Meta's Horizon Worlds VR platforms. Like with Facebook and Instagram, this is true despite the fact Meta repeatedly has made misleading statements to the public regarding the safety of Horizon Worlds. A Meta spokesperson told Business Insider that "We're committed to providing safe, age-appropriate

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<sup>120</sup> Jeff Horwitz & Kathryn Blunt, "A 'Recipe for Disaster': Insiders Warned Meta's Privacy Push Would Shield Child Predators (Dec. 26, 2023), <https://www.tovima.com/wsj/a-recipe-for-disaster-insiders-warned-metas-privacy-push-would-shield-child-predators/>.

experiences on our platform,” and that “if we become aware of a pre-teen using an account meant for someone 13 or older, we’ll take steps to ensure they’re in the right experience.” As detailed below, neither of these statements are true.<sup>121</sup>..

163. On September 6, 2025, Cayce Savage – a researcher who worked at Meta leading research on youth VR safety from 2019 to 2023 – testified before the U.S. Senate Judiciary Committee. Ms. Savage testified that as she led research on youth safety in Virtual Reality, “it became clear to me that Meta is uninterested in listening to their users or in prioritizing their safety.”<sup>122</sup>

164. Specifically, Ms. Savage testified that child sexual exploitation – including grooming and virtual sex acts between adult and underage users – are a common occurrence on the platform. Ms. Savage personally witnessed this occur on the platform, consistently received reports from teens and parents when conducting research, and read countless accounts from concerned parents online. Ms. Savage highlighted a public review of Meta’s app which reads ***“Thanks Meta for making this the pedophile kingdom. They have made it so easy for us to meet and exchange information with children here.”***<sup>123</sup>

165. Ms. Savage testified that Meta “purposefully turns a blind eye” to its knowledge that Horizon Worlds is full of children, stating this is “common knowledge inside the company.” Ms. Savage testified the reason for this is profit: “[I]f Meta were to acknowledge the presence of

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<sup>121</sup> Jyoti Mann and Pranav Dixit, *Meta Whistleblower Claims the Company Put Profit Over the Safety of Children in Horizon Worlds*, BUS. INSIDER (Apr. 10, 2025); <https://www.businessinsider.com/meta-horizon-worlds-child-safety-whistleblower-ftc-fairplay-2025-4>.

<sup>122</sup> Senate Judiciary Committee, Subcommittee on Privacy, Technology, and the Law, “Statement of Casey Savage,” (Sept. 6, 2025), <https://www.judiciary.senate.gov/imo/media/doc/6ccd5abd-cbb9-5107-d48d-b99e821eb244/2025-09-09%20-%20Testimony%20-%20Savage1.pdf>.

<sup>123</sup> *Id.*

underage users, they would be required to kick those users off of their platform in order to remain COPPA compliant. This isn't happening because it would decrease the number of active users Meta is reporting to shareholders, as well as its engagement metrics. ***It is more profitable to pretend to have no way of better identifying the real ages of their users. At Meta, engagement is the priority above everything else.***<sup>124</sup>

166. Ms. Savage further testified regarding Meta's VR platform that:

- a. "Meta first acquired Oculus, its VR technology, in 2014. I was the first, and for a time, the only researcher dedicated to understanding whether its VR software experiences were safe for children - and I wasn't hired until 2022. So, for eight years, as tens of millions of headsets were sold, Meta did not think about the safety of the children it relied on to achieve global market dominance. Meta, a company valued at almost two trillion dollars, is putting minimum effort into ensuring its products are safe;"<sup>125</sup>
- b. "When Meta did invest in parental supervision features for VR - the very basics of child safety - it did so only in response to external regulatory pressure. After eight years of total inaction, Meta leadership demanded these safety features be developed in less than a year, a timeframe which didn't allow for appropriate due diligence."<sup>126</sup>
- c. "Yet again, child safety as an area of inquiry and investment failed to be a priority for Meta until regulatory pressure began. If any digital experience were to merit

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<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

particular investment in safety, it would be the hardware children are wearing on their bodies which poses heightened and unique psychological, social, and even physical danger. And yet, Meta pushed to move fast and drive engagement, instead of ensuring the experience was safe.”<sup>127</sup>

- d. “Throughout my time on Meta’s VR Youth team, child safety issues regularly went unresearched and unaddressed, despite the frequency and severity of the harm. I was given a legal counterpart to scrutinize everything that I did, to tell me what research I could and couldn’t do, and to ensure my research reports would not create “risk” for Meta should they be publicly disclosed. I was told not to investigate the kinds of harm children were experiencing in VR, and made to feel I was risking my job if I pressed the matter. This scrutiny became increasingly severe during my time on the team, such that I do not believe I would have been able to publish my reports from the first half of 2022 even in 2023.”<sup>128</sup>
- e. “Meta has promised it would change. I am here to tell you that Meta has changed, and that these changes have been for the worse. Meta has spent the time and money it could’ve spent making its products safer shielding itself instead, all the while developing emerging technologies which pose even greater risk to children than Instagram. Meta consistently demonstrates that it cares more about the bottom line than the emotional or physical safety of the children who use its products every day.”<sup>129</sup>

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<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

167. Similar to Ms. Savage’s testimony, in April 2025, former Meta employee Kelly Stonelake submitted a sworn statement as part of a complaint filed with the U.S. Federal Trade Commission. In a press release accompanying the FTC complaint, Stonelake said Meta had “extensive knowledge” that minors were accessing Horizon Worlds by logging into accounts registered for adults, stating "Throughout my experience, the emphasis at Horizon was consistently on user growth, with safety considerations managed by leadership like liabilities to be minimized." Stonelake added that Horizon Worlds became a “breeding ground” for “child endangerment.”<sup>130</sup>

168. Stonelake provided several examples of Meta executives having knowledge of underage users on the platform, including Meta executives struggling to communicate on Horizon Worlds when testing it in 2022 because of “very young” children’s voices “screaming . . . from behind adult accounts.” Stonelake also alleged there was a "general directive to avoid documenting discussions related to the presence of teens and children (users under 13) on the platform" due to potential legal ramifications. Stonelake said that raising concerns internally later led to exclusion from decision-making spaces.<sup>131</sup>

169. Additionally, reports have surfaced of female users being sexually assaulted on the platform. The BBC reported in 2022 that a 21-year old researcher was groped by two male players while they made lewd and sexually harassing comments.<sup>132</sup>

170. These former employees’ testimonies and reports make it clear that, like with its other platforms, Meta has intentionally turned a blind eye to sexual exploitation and knowingly

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<sup>130</sup> Jyoti Mann and Pranav Dixit, *Meta Whistleblower Claims the Company Put Profit Over the Safety of Children in Horizon Worlds*, BUS. INSIDER (Apr. 10, 2025); <https://www.businessinsider.com/meta-horizon-worlds-child-safety-whistleblower-ftc-fairplay-2025-4>.

<sup>131</sup> *Id.*

<sup>132</sup> BBC, “Female Avatar Sexually Assaulted in Meta VR Platform, Campaigners Say,” BBC (May 25, 2022), <https://www.bbc.com/news/technology-61573661>.

allowed it to occur on Horizon Worlds in order to maximize profits. Meta’s misrepresentations take advantage of parents’ and children’s lack of knowledge as to the reality of Horizon Worlds being a platform full of adults seeking to groom and sexually exploit children.

## **XII. META KNOWS CHILDREN UNDER THE AGE OF 13 USE ITS PLATFORMS DESPITE WRITTEN POLICIES**

171. Meta has been aware for years that children, including children under the age of 13, register for its platform by lying about their real age. Meta’s 2023 Form 10K filed with the SEC confirms this fact: “[W]hile user-provided data indicates a decline in usage among younger users, this age data is unavailable because a disproportionate number of our younger users register with an inaccurate age.”<sup>133</sup>

172. Two years later, a January 2020 presentation entitled “Succeeding in US Messaging” demonstrated both the depth of Meta’s knowledge regarding usage of Messenger by children and its ambitions to leverage that usage to further entice younger generations to use its products. One of Meta’s “End Game” goals was to “[b]ecome the primary kid messaging app in the US by 2022.” The document confirmed that “[i]n the US,” “Messenger is popular . . . with Kids (13% primacy, US 6-10).” Meta’s knowledge that its platforms were used by and “popular with” children as young as 6-years old makes its failures to protect minors against CSAM and solicitation all the more egregious.<sup>134</sup>

173. By August 2020, so many potentially underage individuals opened accounts on Meta’s platforms that Meta established an “Underage Enforcement War Room” in order to keep

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<sup>133</sup> Meta 2023 10K at 32, <https://www.sec.gov/Archives/edgar/data/1326801/000132680124000012/meta-20231231.htm>.

<sup>134</sup>Alana Mastrangelo, “Unredacted Complaint Reveals Horrifying Level of Pedos Sexually Targeting Children on Instagram, Facebook,” BREITBART (Jan. 23, 2024), <https://www.breitbart.com/tech/2024/01/23/unredacted-complaint-reveals-horrifying-level-of-pedos-sexually-targeting-children-on-instagram-facebook/>.

up with a growing backlog of more than 1,160,000 accounts requiring review. The backlog existed because of “lack of monitoring in this space due to it being a lower priority area,” as well as personnel changes during the COVID lockdown. As noted below, the backlog only increased in following years.

174. Automated procedures reduced the “enforcement backlog” to “only” 700,000 potentially under-13 users. However, a November 2020 internal presentation cited “poor cross app enforcement” with respect to identifying underage accounts and noted that Meta’s “Age models” were “Not very accurate, not globally resilient and not globally operational” and also had “uniquely poor efficacy on IG:”



175. Faced with this backlog, Instagram head Adam Mosseri proposed creating a new type of family-centered account in Instagram would permit Meta to “upsell Instagram to children under 13, and broadly have a more compelling story on how we responsibly manage the fact that

there are those under 13 who register for Instagram accounts.” However, it is notable that Instagram was not only aware that users under 13 were lying about their age to gain access to the platform, but that Meta executives believed the answer to this solution was to “upsell” the service as opposed to instituting stricter registration procedures.<sup>135</sup>

176. The “backlog” of enforcement actions against under 13 users only got worse over the years. By March 2021, internal Meta documents reported that at least *2.5 million* accounts flagged as potential underage users were awaiting review. The backlog existed, in part, due to Meta’s refusal to appropriate sufficient resources (as well as its failure to institute appropriate age verification measures at sign up). A presentation entitled “Integrity Update” reported that the group was awaiting approval to “increase our supply of human reviewers to burn down the backlog.” That the backlog extended to 2.5 million accounts and approval for more resources was not forthcoming serves as further proof that Meta valued profits over illegal use of its platform by underage children.

### **XIII. CHILDREN IN THE VIRGIN ISLANDS HAVE FALLEN VICTIM TO DISTRIBUTION AND SOLICITATION OF CSAM OR CSEC ON META’S PLATFORMS**

177. Upon information and belief, children in the Virgin Islands have been trafficked and sexually exploited through Meta’s platforms. In one example, a 31-year-old man was found guilty on twelve counts of federal child exploitation charges including four counts of production of child pornography. The man met the victims – all minor girls – on Facebook. He first contacted the minor girls on Facebook, where he initially pretended to be a female. After persuading the minors to send him nude and sexually suggestive photos of themselves, he threatened to place the

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<sup>135</sup> *Id.*

minors' nude and sexually suggestive photos on the internet if they did not send him additional photos and have sex with him.<sup>136</sup>

178. Victims of CSAM suffer the initial crime, are retraumatized each time the CSAM is republished, and live in fear that they will be recognized from the images and often in silence and shame because of threats or fear that reporting will cause images of them to be further distributed. According to one CSAM survivor: "It's hard to describe what it feels like to know that at any given moment someone somewhere is looking at images of me as a child being sexually abused and getting sick gratification from it. It's like I'm being abused over and over and over again."<sup>137</sup>

179. While Meta promised to safeguard the health and safety of children on its platforms (and to keep the youngest users offline), at every turn, it made decisions that put its own profits ahead of their well-being. Children in the Virgin Islands have been casualties of Meta's choices. Despite the evidence that Meta's platforms were and continue to be used to engage in human trafficking, Meta failed to take adequate measures to address and disclose human trafficking on its platforms.

#### **XIV. META WAS, AND IS, AWARE THAT ITS PLATFORMS ARE BEING USED TO TARGET, GROOM, SEXUALLY EXPLOIT AND TRAFFIC CHILDREN**

180. Internal documents demonstrate that Meta has been aware for years that underage users regularly use its platforms, including Facebook and Instagram, and that both Facebook and Instagram were being used to target, groom, sexually exploit and traffic children. Meta was further aware that certain features of its platforms, including the algorithm, actively encouraged this

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<sup>136</sup> US Dep't of Justice, *St. Thomas Man Sentenced to 31 Years in Prison for Child Exploitation Offenses*, (Jan. 22, 2015) <https://www.justice.gov/usao-vi/pr/st-thomas-man-sentenced-31-years-prison-child-exploitation-offenses>.

<sup>137</sup> Canadian Centre for Child Protection, <https://www.protectchildren.ca/en/> (last visited Dec. 18, 2025).

conduct and recommended it to children and to users with nefarious motives. Yet despite this knowledge, Meta failed to take steps to improve the design of its products and illicit activities on Facebook continue to flourish to this day.

181. That Meta was aware of the presence of this disturbing content is significant. Testimony by whistleblower Frances Haugen confirmed that Meta was aware that “Facebook’s AI systems only catch a very tiny minority of offending content” and reliance “on computers and not humans” means that Meta will “never get more than 10 to 20%” of the illicit content on its platform.

182. One 2019 internal document describes the most frequent forms of human trafficking on Meta’s “FOAs” or family of applications. Though recognizing that “every Human Exploitation stage (recruitment, coordination, exploitation) is represented on our platform,” the company determined that recruiting and exploiting (or advertising) victims for profit were the most common. Meta noted that it had observed traffickers using romance to build trust and rapport with potential victims; using lucrative employment opportunities on FB [Facebook] Groups of Ads from Pages to entice potential victims, “[t]argeting the most vulnerable sector of the population usually because of their precarious economic situation;” and using Messenger “to coordinate trafficking activities.”

183. Meta offered a case study of this form of “content sextortion” in the United States:

## Case Studies

### 1. Content Sextortion - United States

- a. Case Description: A male in his early 20s operating inauthentic accounts used Messenger to contact over 70 female minors - many of them lying about their date of birth to appear as adults on the platform. The bad actor portrayed himself as a female and contacted female minors who were members of LGBTQ+ dating groups or pages. He developed romantic conversations with them until he obtained CEI, after which point he blackmailed them into producing more extreme content. In some cases he coerced victims to abuse younger siblings, and more than one victim threatened to commit suicide as a result.

184. Public reports establish a long history of Meta recognizing the existence of harmful content on its platforms and entrenched, institutional resistance to taking actions to remediate the problems. As early as 2017, an internal email describes executive opposition to scanning the Meta Messenger service for “harmful content” because it would place the service “at a competitive disadvantage vs other apps who might offer more privacy.”

185. Meta does not review content before it is uploaded. Rather, as noted above, it relies on automated detection tools and user reports to identify objectionable material, which is then reviewed by hired “content moderators,” who are often subcontractors. A 2017 article in The Guardian confirmed that most of Meta’s “content moderation” (i.e. viewing posts and messages to determine whether the content is acceptable or illegal) is performed by subcontractors, who “often fe[lt] overwhelmed by the number of posts they ha[d] to review” and Facebook’s numerous, confusing policies.<sup>138</sup>

186. The Guardian also spoke with a half-dozen sub-contracted moderators responsible for identifying child sex trafficking for Meta. These moderators expressed concerns that Meta

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<sup>138</sup> Nick Hopkins, “Facebook moderators: a quick guide to their job and its challenges,” GUARDIAN (May 21, 2017), <https://www.theguardian.com/news/2017/may/21/facebook-moderators-quick-guide-job-challenges>.

failed to act on even the plainest indications of trafficking or child sex exploitation, let alone those in which traffickers made an effort to mask their conversations with code words or emojis, like those described above. One moderator, who spoke under a pseudonym, reported that “she and her team struggled to keep pace with the huge backlog of cases. She says that she saw cases of adults grooming children and then making plans to meet them for sex, as well as discussions about payment in exchange for sex.”<sup>139</sup> She said that reports to Meta would linger for months, when she received an email saying that the case was closed because “nobody’s taken action on it . . . [I]t felt like nobody would pay attention to these horrible things.”<sup>140</sup> Another said, “On one post I reviewed, there was a picture of this girl that looked about 12, wearing the smallest lingerie you could imagine. . . . It listed prices for different things explicitly, like, a blowjob is this much. It was obvious that it was trafficking.” Yet her supervisor told the moderator that no further action was taken after the content was escalated.<sup>141</sup>

187. Age verification and preventing harm to minors was rendered even more difficult on Instagram because, as the “Child Safety – State of Play” document confirms, Instagram “only started to collect age data in December 2019 and we currently only have stated age for ~67% of IG users.” The document placed the blame directly on Instagram’s leadership, including Adam Mosseri, the head of Instagram, “We need leadership support to convince IG leadership to collect age for the remaining users for whom we have no stated age. We also would like leadership sign off to conduct an audit of special protections for minors and then bring in a trusted expert/group

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<sup>139</sup> *Id.* at 9.

<sup>140</sup> *Id.*

<sup>141</sup> *Id.* at 10.

of experts to review our default settings and protections for minors, identify improvements . . . and implement them.” On information and belief, this audit was never performed.

188. Further, the “Child Safety – State of Play” document confirmed that Instagram’s large safety holes were attributable to Mosseri’s failure to adopt safety recommendations:

5	<b>Not ready; work has not been prioritised and more resources</b>					
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	<b>are needed</b>					
6	Age data on IG	Age models do not work as well on IG because IG only started to collect age data in December 2019. In addition, Adam Mosseri will not support upselling age collection for existing users because he sees it as intrusive data collection. Thus, we currently only have stated age for ~67% of IG users. We recommend engaging with IG leadership on collecting age for the remaining ~33% and prioritizing age model maturity on IG.				
7						

189. Another 2021 document reflected Meta’s awareness that its recommendation algorithm, PYMK, had a direct link to trafficking: In a string of comments, under the heading “IIC/Grooming,” a Facebook employee wrote: “in the past, PYMK contributed up to 75% of all inappropriate adult-minor contact,” prompting another employee to pose the question: “How on earth have we not just turned off PYMK between adults and children? . . . It’s really, really upsetting.”

190. In September 2021, Meta consultants, including Arturo Bejar, commissioned the BEEF study to evaluate user experiences on its platforms, to “develop a holistic, consistent picture of user bad experiences on Instagram” and create a metric that allows Meta to “track our progress” in eliminating those experiences. Meta had employed a “prevalence” metric as its preferred measurement that ostensibly showed low percentages of offensive content appearing on Meta’s platforms. However, “prevalence” measured only that “percentage of content viewed worldwide that explicitly violates a Meta rule.” Thus, the measurement undercounted negative content because (1) it relied only on that material that Meta identified and that violated its narrowly-drawn rules; and (2) it relied on user reports as a basis for the measurement, thereby assuming that unreported illicit content (which Meta knew vastly outnumbered reported illicit content) did not violate Meta’s standards and was not otherwise improper or objectionable.<sup>142</sup>

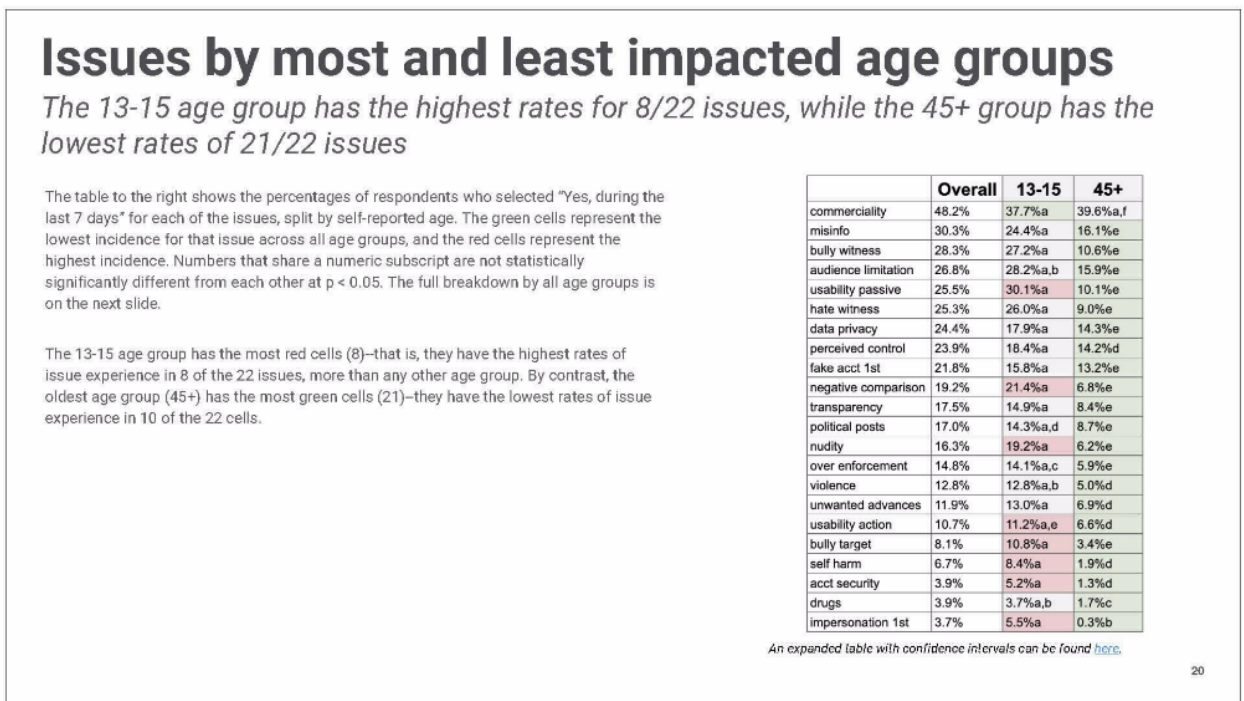
191. The study collected data from June 27, 2001 through July 8, 2021 and found that “[y]ounger people report higher rates of every issue, with some issues felt more universally than others.” More than half of all respondents had experienced 1 of the 22 surveyed “bad experiences”

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<sup>142</sup> Jeff Horwitz, “His Job Was to Make Instagram Safe for Teens. His 14-Year-Old Showed Him What the App Was Really Like,” WALL ST. J. (Nov. 2, 2023), <https://www.wsj.com/tech/Instagram-facebook-teens-harassment-safety-5d991be1>.

in the past 7 days, but that number is skewed by older populations having less exposure to those experiences. In fact, 54.1% of users aged 13-15 and 57.3% of users aged 16-17 had suffered a “bad experience” on Instagram in the last 7 days.

192. Moreover, users aged 13-15 had the highest rates of “bad experiences” for 8 of the 22 issues surveyed. 19.2% of survey respondents aged 13-15 stated they had a bad experience with “nudity” on Instagram in the last 7 days. 13% of survey respondents aged 13-15 stated they experienced “unwanted advances” on Instagram in the past 7 days; without the one-week limitation, that figure increases to 27% of 13-15-year olds). Results of the survey highlighting findings among 13-15 year old respondents are displayed below:



193. These results stood in stark contrast to the rosy picture that Meta’s publicly reported “prevalence” metrics painted. As the Wall Street Journal reported, “[u]sers were 100 times more

likely to tell Instagram they'd witnessed bullying in the last week than Meta's bullying prevalence statistics indicated they should.<sup>143</sup>

194. In response to the survey, Meta deployed an experiment that alerted users if their comment or post had upset other users who viewed that content. The experiment demonstrated that many users would delete the post or comment following that notification. However, Meta did not adopt that experiment or other proposed remediations. Rather, Meta personnel, including managers and even Meta's leadership (as discussed below), refused to implement changes as a result of the survey.<sup>144</sup>

195. Frustrated by the response of company officials, Bejar sent an email directly to Meta leadership, including Zuckerberg and Mosseri, on October 5, 2021, expressing his frustrations. But, as explained below, that email did not result in further action.<sup>145</sup>

196. Adding insult to injury, Meta refused to make the BEEF survey available to other employees. Instead, Bejar was permitted only to post a "sanitized version" of the survey that omitted all of the data and approached the problem as if it were a hypothetical.<sup>146</sup> Upon information and belief, this was consistent with a general corporate directive, after Haugen's disclosures, that employees not reflect critical opinions, discussions, or analysis in documents.<sup>147</sup>

197. Bejar testified before Congress in November 2023 concerning his experiences in the 2021 timeframe. He noted that, notwithstanding the alarms that he and his team raised, nothing has changed. "It is . . . two years after my briefings, and there is still no way, so far as I or teenagers

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<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> *Id.*

I know can determine, for a minor to flag a conversation in Instagram to indicate it contains unwanted sexual advances.”

198. In February 2023, Meta Chief Executive Officer Mark Zuckerberg announced the “year of efficiency,” an effort that included a plan to lay off more than 20,000 Meta employees. Throughout the winter and spring, Meta enacted its plans, laying off thousands of workers across its workforce. Those layoffs included, and, on information and belief, disproportionately affected, content moderation and internet safety personnel.<sup>148</sup>

199. A June 2023 Wall Street Journal report following these layoffs detailed continued troubling problems in Meta’s reporting system. An activist reported an Instagram account purporting to sell under-age content, including the phrase “This teen is ready for you pervs.” Meta responded: “Because of the high volume of reports we receive, our team hasn’t been able to review this post.” Another post “of a scantily clad young girl with a graphically sexual caption” apparently did not violate Meta’s standards. Meta responded to a post reporting the account by advising the post did not violate its “Community Guidelines.” After being contacted by the Wall Street Journal, Meta acknowledged a “software glitch was preventing a substantial portion of user reports from being processed” and that its existing content moderators were not appropriately enforcing Meta’s protocols.<sup>149</sup>

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<sup>148</sup> Hayden Field & Jonathan Vanian, “Tech Layoffs Ravage the Teams that Fight Online Misinformation and Hate Speech,” CNBC (May 26, 2023), <https://www.cnbc.com/2023/05/26/tech-companies-are-laying-off-their-ethics-and-safety-teams-.html>.

<sup>149</sup> Jeff Horwitz & Katherine Blunt, “Instagram Connects Vast Pedophile Network,” WALL ST. J. (June 7, 2023), <https://www.wsj.com/articles/instagram-vast-pedophile-network-4ab7189>.

## **XV. META’S BUSINESS MODEL TARGETS YOUNG USERS SPECIFICALLY WITH FEATURES DESIGNED TO ENTICE AND ADDICT YOUTH**

200. Meta’s failures extend beyond the realm of disturbing and CSAM and CSEC on its platforms. At the same time, Meta was making design choices on its Facebook and Instagram platforms that were designed to capture and addict young users, including teenagers. For years, internal documents at Meta chronicled the harm caused by these features, including Meta’s algorithms. Meta was well aware that children under the age of 13 were using their platforms by lying about their age at signup but never instituted sufficient verification technology. Again and again, Meta rejected calls from personnel to invest in its “well-being” efforts or to modify features of its platforms that were effectively proven to cause harm. Despite Meta’s public comments to the contrary, Meta and its executives failed to take sufficient action to address these known harms because such actions would have jeopardized Meta’s profits. In sum, Meta prioritized profits over safety.

201. Children were not merely unintended casualties of adult-oriented platforms that Meta did not design to keep them safe. Teenagers were, and are, a primary target for Meta, as demonstrated by an internal document provided to Congress by whistleblower Frances Haugen entitled “State of Teens, June 2018.” That document reports that Meta did not have “the number-one product for all use cases in all markets . . . But we do have one of the top social products—with growing marketshare—almost everywhere. Things are not great yet, but there is a visible path to greatness.”<sup>150</sup> As early as 2016, Mark Zuckerberg sent a lengthy email to his executive team concerning “Opportunities for Teens and Sharing.” That same year, an internal Meta email to

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<sup>150</sup> Frances Haugen, Internal Meta Document, [https://www.documentcloud.org/documents/23571647-tier2\\_teen\\_ir\\_0618](https://www.documentcloud.org/documents/23571647-tier2_teen_ir_0618) (last visited Dec. 14, 2025).

Adam Mosseri stated “[o]ur overall goal remains total teen time spent . . . with some specific efforts (Instagram) taking on tighter focused goals like U.S. teen total time spent.” Another 2018 email stated Meta’s focus succinctly: “Short summary is the ‘the young ones are the best ones.’ You want to bring people to your service young and early.”

202. Meta’s design decisions were frequently motivated by the fact that it was losing market share among teens and adolescents to its competitors. A 2016 presentation entitled “Teens” cites concerns that teenaged users (ages 13-19) are spending more time on Snapchat and YouTube than on Meta’s platforms and proposed a plan to “win over” teenage users. Meta went so far as to put a “lifetime value” on “a 13 y/o teen” of “roughly \$270 per teen . . . Spending above that should result in much more scrutiny.” Meta thus confirmed that its interests lie in acquiring new teenage users and keeping them on the platform, but that efforts to address existing teenage users were not cost-effective and therefore discouraged.

203. In September 2019, Instagram tested an effort to make its “messaging tab” more accessible to users in order to “slow or reverse this trend” of declining teen use. That same document noted that “[t]een and young adults on Instagram are responsible for 30% of US family sends and 73% of Facebook’s overall US send growth. We cannot win US messaging overall if we lose this segment.”

204. An August 2021 email stated the same concerns, noting that Instagram’s youngest users, “13 & 14 y/o” constituted “the largest components of the decline” in users, and that this trend represented “the most concerning problem from a strategic POV: they are suppose[d] to be the future of IG . . .”

205. Having attracted teens to the platform, Meta intentionally designed its products to make sure that it maximized their time on the platforms, developing addictive-by-design features specifically targeted and tailored to exploiting, manipulating, and capitalizing young users. The net result of these features is to defeat young people's ability to self-regulate their time spent on its platform.

206. Meta's efforts included extensive research to understand the brain function of young people and exploit those functions to increase usage of Meta's platforms.

207. A May 2020 presentation prepared by Meta researchers, entitled "Teen Fundamentals," discussed "adolescent development concepts, neuroscience as well as nearly 80 studies of our own product research" and highlighted vulnerabilities of the teenage brain. The presentation discussed teen brains' relative immaturity, and teenagers' tendency to be driven by "emotion, the intrigue of novelty and reward." Further, and troublingly, the researchers assessed these brain functions to drive "product usage," noting that "the teenage brain happens to be pretty easy to stimulate" and that teens' desire for novelty "manifests itself in three behaviors that especially lend themselves to social media—exploration, discovery and experiences."

208. In explaining "exploration," the presentation demonstrated how Meta's platforms attract teens' "novelty seeking mind[s]" by "deliver[ing] [teens] a dopamine hit" every time a teen "finds something unexpected" on the app, fulfilling their brains' "insatiable" need for "'feel good' dopamine effects," to which "teen brains are much more sensitive."

209. The presentation noted that teens were especially prone to venturing down "rabbit holes" of viewing posts on a particular topic because of the "especially 'plastic'" attributes of their developing brains. Further, the presentation focused on the premise that "[a]pproval and

acceptance are huge rewards for teens,” and promoted the use of “[direct messages (DMs)], notifications, comments, follows, likes, etc.,” all of which “encourage teens to continue engaging and keep coming back to the app.”

210. The 2020 presentation findings were not new. A July 2018 internal presentation entitled “Problematic Facebook use: When people feel like Facebook negatively affects their life” noted “Problematic use is highest among teens and people in their 20s, consistent with previous findings that younger people generally have more problems with self-regulation.”

211. These findings back up statements reportedly made by Facebook’s founding President, Sean Parker, in 2017, who said:

The thought process that went into building these applications, Facebook being the first of them, ... was all about: 'How do we consume as much of your time and conscious attention as possible?' "And that means that we need to sort of give you a little dopamine hit every once in a while, because someone liked or commented on a photo or a post or whatever. And that's going to get you to contribute more content, and that's going to get you ... more likes and comments." "It's a social-validation feedback loop ... exactly the kind of thing that a hacker like myself would come up with, because you're exploiting a vulnerability in human psychology. ""The inventors, creators — it's me, it's Mark [Zuckerberg], it's Kevin Systrom on Instagram, it's all of these people — understood this consciously. And we did it anyway.<sup>151</sup>

212. Similarly, according to internal documents obtained by the Wall Street Journal, Meta “formed a team to study preteens, set a three-year goal to create more products for them and commissioned strategy papers about the long-term business opportunities presented by these potential users.” Preteens were and are prohibited from using Meta’s products, although (as noted below), Meta’s lax age verification procedures readily permit underage users to sign up for services

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<sup>151</sup> Mike Allen, “Sean Parker Unloads on Facebook, ‘God Only Knows What It’s Doing to Our Children’s Brains,’” AXIOS (Nov. 9, 2017), <https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792>.

by blatantly lying about their age. Yet, Meta commissioned more than a dozen studies to determine how best to tap the preteen audience and described its efforts as “big bets” on that sector of the population.

213. Meta and its employees knew that they were encouraging social media addiction among teens and adolescents. In a March 2020 chat, one employee asks for “recent studies” concerning “time spent tools.” She was directed to research Meta performed in December 2018, which established: “(1) teens feel addicted to IG and feel a pressure to be present, (2) like addicts, they feel that they are unable to stop themselves from being on IG, and (3) the tools we currently have aren’t effective at limiting their time on the app.” An internal chat from September 2020 captured two Meta employees discussing whether Meta was “creating a world of addicted monsters” in response to a documentary making that claim. Both employees agreed with the premise, stating “A lot of it is probably true” and “i would say I agree.”

214. Whether called “addiction” or another term, the outcomes and the devastating effects are the same and were the direct result of Meta’s design choices. In order to deliver this “dopamine hit” and fuel this “addiction,” Meta engineered its platforms to contain numerous features that prove irresistible to young users and addict them to the services, including: (i) engagement-based feeds; (ii) infinite scroll; (iii) push notifications; (iv) ephemeral content; (v) auto play video; and (vi) other features.

#### **A. ENGAGEMENT-BASED FEEDS AND THE ALGORITHMS**

215. When first launched, Facebook and Instagram “feeds” (the main screens where users consume content) were listed chronologically. The most recent post from an account the user followed appeared at the top, regardless of the topic or user.

216. But Meta shifted that pattern for both Facebook and Instagram. Instead of listing posts chronologically, Meta employed one or more algorithms to recommend posts and accounts to users based upon a set of criteria, including what the user had previously engaged in. The purpose of this change was to engage users for longer periods of time.

217. Meta’s algorithms are designed to interpret vast amounts of users’ data and predict what a particular user will be most interested in, thereby increasing the user’s time spent on Meta’s platforms. These predictions are presented as “recommended” content or accounts.

218. The algorithms constantly refine their predictions, measuring and analyzing user activity (including whether a user clicked on a link, or viewed a post, or otherwise interacted with the content or account) and then using those actions as data points calculated to create new recommendations. Instagram’s Adam Mosseri explained in a June 2021 blog post:

Next we take all the information we have about what was posted, the people who made those posts, and your preferences. We call these “signals”, and there are thousands of them. They include everything from what time a post was shared to whether you’re using a phone or the web to how often you like videos. The most important signals across Feed and Stories, roughly in order of importance, are:

- **Information about the post.** These are signals both about how popular a post is – think how many people have liked it – and more mundane information about the content itself, like when it was posted, how long it is if it’s a video, and what location, if any, was attached to it.
- **Information about the person who posted.** This helps us get a sense for how interesting the person might be to you, and includes signals like how many times people have interacted with that person in the past few weeks.
- **Your activity.** This helps us understand what you might be interested in and includes signals such as how many posts you’ve liked.
- **Your history of interacting with someone.** This gives us a sense of how interested you are generally in seeing posts from a particular person. An example is whether or not you comment on each other’s posts.

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<sup>152</sup> Adam Mosseri, “Shedding Light on How Instagram Works” INSTAGRAM (June 8, 2021), <https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works>.

219. Although Meta updated this blog post on May 31, 2023, the updates did not substantively affect the information presented above.

220. The algorithm’s power lies in its ability to interpret “behavioral patterns, not by matching a user’s interests to specific subjects. This approach is efficient in increasing the relevance of recommendations.”<sup>153</sup> The algorithm is, in effect, a never-ending loop of future recommendations, seeking to improve the efficacy of Meta’s efforts to capture more and more of a user’s time and attention by delivering the content most likely to be engaging to them.

221. A “key psychological characteristic” of the algorithm is that it does not display content chronologically, but rather in a seemingly random pattern (random to the user at least). Thus, “even the anticipation of” the “reward” of seeing a new post or new content “can be psychologically and/or physiologically pleasing.” Indeed, “one of the main reasons why social media users repeatedly check their screens” is this technique, which psychologists refer to as a “variable reinforcement schedule.” “Habitual social media users never know if their next message or notification will be the one that makes them feel really good. In short, random rewards keep individuals responding for longer and has been found in other activities such as the playing of slot machines and video games.”<sup>154</sup>

222. The algorithm effectively keeps “user[s] . . . in a loop” and thereby “exploit[s]” the mind’s “innate systems.” “The way this comes about is through a term referred to as Variable

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<sup>153</sup> Jeff Horwitz and Katherine Blunt, “Instagram Connects Vast Pedophile Network,” WALL ST. J. (June 7, 2023), [https://www.wsj.com/tech/instagram-vast-pedophile-network-4ab7189?gaa\\_at=eafs&gaa\\_n=AWEtsgflgHnXl6ERoX6fQdNv9Iv7Zn-d\\_nzyRv67omahqHanYBXpXuMce2390np1IqJ4%3D&gaa\\_ts=6949682e&gaa\\_sig=kMvfkgBFXW60GowmUrYWOakQBRnUUyLWOa9QgL15Cb9YPso7zYG-wz6kXMxZr1\\_Uhf-mtQNBovraySeU3aBYzQ%3D%3D](https://www.wsj.com/tech/instagram-vast-pedophile-network-4ab7189?gaa_at=eafs&gaa_n=AWEtsgflgHnXl6ERoX6fQdNv9Iv7Zn-d_nzyRv67omahqHanYBXpXuMce2390np1IqJ4%3D&gaa_ts=6949682e&gaa_sig=kMvfkgBFXW60GowmUrYWOakQBRnUUyLWOa9QgL15Cb9YPso7zYG-wz6kXMxZr1_Uhf-mtQNBovraySeU3aBYzQ%3D%3D).

<sup>154</sup> Mark D. Griffiths, “Adolescent social networking: How do social media operators facilitate habitual use?” EDUCATION and HEALTH, Vol. 36, No.3 (Nov. 3, 2018) <https://sheu.org.uk/sheux/EH/eh363mdg.pdf>.

Reward Schedules. This works by positive stimuli being provided at random intervals” and prompts users to “check[] their phones for notifications and updates at periodic intervals for something that could be intrinsically rewarding.”<sup>155</sup>

223. Meta did not disclose that its algorithms were designed to leverage young users’ dopamine responses and create an addictive cycle of engagement. Nor did it disclose that the algorithm collects data in order to fuel young users’ compulsive use of Meta’s platforms, by training its algorithms to induce them to keep using Meta’s platforms. Rather, Meta makes benign claims in documents such as its Instagram Privacy Policy that it uses the data it collects “[t]o promote safety, security and integrity,” “[t]o research and innovate for social good,” or “[t]o provide measurement, analytics and business services” for individuals who “rely on our Products to run or promote their businesses.”<sup>156</sup> These claims are intended to assuage users’ fears that their data will be used for nefarious purposes and attract or retain them as users of Meta’s products, rather than to disclose the full extent of the purposes for which Meta collects data.

224. However, the algorithms suffer from a fatal flaw – they do not distinguish between permissible and impermissible content. Effectively, the algorithm does not know “right from wrong.” Thus, if a young user clicks on a certain type of content—whether accidentally, out of curiosity, or intentionally—the algorithm will recommend more of that type of content.

225. This phenomenon is commonly referred to within Meta as a “rabbit hole.” Meta was acutely aware that its algorithms reinforced negative content and recommended such content to young users. These aspects were described as “deficits” in Meta’s system: “(1) it’s still very

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<sup>155</sup> Burhan R and Moradzadeh J, Neurotransmitter Dopamine (DA) and its Role in the Development of Social Media Addiction. *J Neurol Neurophy*, 2020, 11(7), 01-02, <https://www.iomcworld.org/open-access/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction-59222.html>.

<sup>156</sup> Meta, Privacy Policy, <https://privacycenter.instagram.com/policy> (last visited Dec. 18, 2025).

easy to find borderline and sometimes violating content/accounts in search, e.g. try typing ‘drug’ or ‘love’ [and] (2) if you start following borderline accounts or interacting with such content, our recommendations algorithms will start pushing you down a rabbit hole of more egregious content.”

226. Meta employees emailed regularly concerning “rabbit holes on potentially problematic content.” One employee noted that Meta failed to confront the problem head on. Instead of addressing the algorithms, “the primary way we combat rabbit holing you into bad stuff is by trying to detect and filter out bad stuff” but acknowledged that “we should actually be better at detecting clusters of recommendations than individual ones.” As made clear above, Meta is not effective at detecting and filtering out the “bad stuff,” leaving the algorithm to multiply its reach.

227. Meta’s algorithms are so strong that even accidental clicks triggered recommendations for harmful content. A July 2020 email discussion notes that “[w]e’ve seen over and over that many recs are generated from collaborative filter sources so if a person accidentally engaged (or baited to engage) with a non-recommendable content/entity they’ll be sucked into a rabbit hole. IG has gotten some flak for this in the press too.”

228. Indeed, even promises made to regulators concerning Meta’s algorithms were not followed through. An email chat from August 2020 recounts how, in the wake of the suicide of 14-year-old Molly Russell (an event that prompted a belated period of introspection at Meta, described below), Meta “promised the UK we’d do a bunch of work to improve IG’s impact,” including by addressing the “vortex” or “flywheel” created by the Instagram algorithms. However, more than a year after the publicity surrounding the suicide, internal emails confirmed that Meta’s “SSI [suicide and self-injury, Meta’s term for content depicting or discussing self-harm or suicide] team in Community Integrity is (slowly) working on” those promised changes.

229. Nevertheless, Meta consistently misrepresented this aspect of its algorithms as well. Antigone Davis told a congressional hearing in September 2021 that Meta unequivocally “do[es] not direct people towards content that promotes eating disorders.” The June 8, 2021 blog post entitled “Shedding More Light on How Instagram Works” represented that Instagram employed “algorithms, classifiers, and processes” in order “to personalize your experience” to prioritize “what you care about most.”<sup>157</sup> But that post did not disclose that those recommendations could, and often did, include recurring posts containing illegal or harmful content. Nor did it disclose the existence of “rabbit holes,” “vortices” or “flywheels,” well-known to Meta, that resulted from the algorithms’ design and operation. Further, an article in Instagram’s “Help Center” section represents that Instagram “avoid[s] making recommendations that may be inappropriate for younger viewers.”<sup>158</sup> But this statement, too, ignores reality as public reports prove otherwise.

## **B. INFINITE SCROLL**

230. Infinite scroll refers to the practice of displaying an endless stream of posts and advertisements to a user’s main feed to other sections of the platform. When a user opens their feed, they are shown a post (usually selected by the algorithm) and then a portion of the next piece of content, which the user is thereby enticed to view. This cycle continues “infinitely,” and with each post viewed, another post appears below.

231. Meta designed the “infinite scroll” feature to endlessly “tease” and/or offer new posts and advertisements for the user to view as the user scrolls down their page feed, removing

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<sup>157</sup> Adam Mosseri, “Shedding Light on How Instagram Works” INSTAGRAM (June 8, 2021), <https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works>.

<sup>158</sup> <https://help.instagram.com/313829416281232>

any need to hit a “next page” button to view more. As a user scrolls down their feed of posts, the platform continuously and perpetually selects and shows more posts to the user.

232. The “infinite scroll” format intentionally makes it difficult for young users to leave the platform because there is no natural end point for the display of new posts and a young person is reliant solely on their undeveloped ability to self-regulate. As identified in Meta’s “Teen Fundamentals” research, this design exploits the “especially plastic” nature of teen brains to lead them down “rabbit holes.”

233. The platform does not tell a user when they have seen all the new posts from accounts they follow. Instead, the platform continues to seamlessly display and suggest additional posts from other accounts the user does not follow, provoking the young users’ well-known social “fear of missing out” on something new or interesting (commonly called “FOMO”).

234. This perpetual stream is designed to “keep [users] scrolling, and purposely eliminate any reason for [them] to pause, reconsider or leave.” The user’s experience is turned into “a bottomless flow that keeps going” and this “flow state” “fully immerse[s]” users, distorts their perception of time, and “has been shown to be associated with problematic use” of social media platforms.<sup>27</sup>

### **C. PUSH NOTIFICATIONS**

235. Facebook and Instagram also leverage “notifications” in order to entice users and increase their time spent on the platforms. Internal documents confirm that Meta viewed notifications as an essential “lever for teen growth,” as one presentation noted a key goal was to “[l]everage teens’ higher tolerance for notifications to push retention and engagement.”

236. A “push notification” is an alert displayed on a user’s device to signal that some activity has occurred on the platform and entice users—especially young users—to return to the platform and view the activity. Push notifications may be sent for a variety of activity, including when another user follows them, or likes or comments on their post. Push notifications may also appear if the user is “tagged” or mentioned in a post or if a message is sent.

237. “Sounds and vibrations are deliberately designed and distracting technologies that facilitate users’ attention away from the offline world and back to life online – pulling individuals ‘out of the moment.’” Moreover, the repeated nature of these notifications “creates a trigger for a routine and is exactly what social media operators want you to do.”<sup>159</sup>

238. Meta enables “push notifications” by default when one of its apps is installed on a smartphone, and notifications may appear on a user’s screen when the phone is not being used (such as when a young user is doing homework for school) or when the user does not have a Meta app open. Notifications are not just visual; they will cause the device to vibrate and make a sound by default unless the user changes the setting. These notifications are calibrated to maximize the likelihood that a user who is not presently using the product will re-open the platform. Indeed, a small number at the top of a Meta platform icon on a user’s mobile device will display just how many notifications the user has “missed.”

239. Meta intentionally structures the content of its notifications in order to lure users to the site. As stated in a December 2020 internal email, “[w]e limit the amount of information in notifications because we want people to come onto the site.” The email notes that notifications

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<sup>159</sup> Mark D. Griffiths, “Adolescent social networking: How do social media operators facilitate habitual use?” EDUCATION and HEALTH, Vol. 36, No.3 (Nov. 3, 2018) <https://sheu.org.uk/sheux/EH/eh363mdg.pdf>.

replaced more fulsome “emails telling you what happened,” which the employee reported was “a clear value-engagement tradeoff.” And Meta implemented its carefully designed notification system notwithstanding internal Meta documents published years earlier suggesting that Meta permit users more flexibility in choosing what notifications they receive and when because it “could help ‘twitchy’ users who may keep entering the app because of the push notifications they receive.” Another internal document suggested that Meta viewed notifications as a lever to increase growth and engagement on the platform. Meta’s “research priorities” in June 2020 regarding youth on Instagram included studying the question: “[h]ow can notifications re-engage less active users with Instagram?”

240. A recent study performed by Common Sense Media and the C.S. Mott Children’s Hospital confirms the ubiquity and intensity of notifications in a young person’s life. The research found that young users “received a median of 237 notifications” in a “typical day,” and that “[n]otification frequency varied widely, with maximums of over 4,500 delivered and over 1,200 seen.” Nearly a quarter of those notifications arrived during school hours.<sup>160</sup>

241. Meta was acutely aware that sending the correct notifications in the correct volumes was a key to attracting and retaining young users. A November 2019 presentation entitled “IG Notification Systems Roadshow” confirmed: “We know notifications has an harmful effect on **teen** usage. We’ll spend H1 investigating further . . .” (emphasis in original). Nevertheless, Meta defaults young users (and all users) into receiving notifications.

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<sup>160</sup> Common Sense Media, “Constant Companion,” (2023), [https://www.commonsensemedia.org/sites/default/files/research/report/2023-cs-smartphone-research-report\\_final-for-web.pdf](https://www.commonsensemedia.org/sites/default/files/research/report/2023-cs-smartphone-research-report_final-for-web.pdf) (last visited Dec. 18, 2025).

242. Moreover, Meta was making its decisions with knowledge that notifications were harmful to young people. The July 2018 “Problematic Facebook use” report stated the situation bluntly: “In academic experiments, smartphone notifications caused inattention and hyperactivity among teens, and they reduced productivity and well-being.”

#### **D. EPHEMERAL CONTENT**

243. Ephemeral content is a form of content that is not permanent and disappears after a set amount of time, typically 24 hours. As one article notes, “[t]he most exciting thing about this ephemerality is the disappearance of posts.” Thus, the content “strikes a FOMO (fear of missing out) effect that creates an exclusivity to watching posts.” Such content “elicits a prompt response” and “increases user engagement.”<sup>161</sup>

244. FOMO is a “pervasive apprehension that others might be having rewarding experiences from which one is absent” and “is characterized by the desire to stay continually connected with what others are doing.” Social media, including Meta’s platforms, “may be especially attractive” for individuals “who fear missing out.”<sup>162</sup> “Adolescents are particularly susceptible to development of Fear of Missing Out by using social media.”<sup>163</sup>

245. Meta employs ephemeral content in order to drive user engagement by making certain content available to users only temporarily. For example, on August 2, 2016, Meta introduced a feature called “Stories” to Instagram that showed images and narratives for only 24

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<sup>161</sup> Madiha Jamal, “Ephemeral Content – The Future of Social Media Marketing,” MEDIUM (Mar. 2, 2021), <https://bettermarketing.pub/ephemeral-content-the-future-of-social-media-marketing-996d265916c2>.

<sup>162</sup> Andrew Przybylski et al., “Motivational, Emotional, and Behavioral Correlates of Fear of Missing Out,” (July 2013), COMPUTERS IN HUMAN BEHAVIOIR, (Vol. 29), <https://www.sciencedirect.com/science/article/abs/pii/S0747563213000800?via%3Dihub>.

<sup>163</sup> Ahn J., Jung Y. (2016). The common sense of dependence on smartphone: A comparison between digital natives and digital immigrants. *New Media and Society*, 18(7), 1236–1256  
<https://journals.sagepub.com/doi/full/10.1177/2056305120965517#bibr1-2056305120965517>.

hours before disappearing from a user’s feed. Meta later added similar functionality to Facebook. An internal Meta document from 2018 states: “we’ve invested in FB stories—and have seen engagement more than double[;] teen original sharing [is] up for the first time since 2012.”

246. Additionally, users may go “live” on Instagram and broadcast content as it happens. When a user goes “live,” the platform sends a notification, thereby advising connected users of the limited availability of the broadcast.

247. A February 2016 business plan sent to Meta’s executives, including Sheryl Sandberg, touted that Instagram’s “Live” feature was specifically intended to appeal to teens in order to maximize young users’ time on its platforms, setting goals “[t]o drive substantial watch time via Live” by “[finding] partners to appeal to teens.” There can be no question that Meta implemented “Live” in order to increase engagement among young users.

248. Because these features are only displayed for a limited time before disappearing, young users are motivated to frequently open, return to, and remain on the Instagram platform so they will not “miss out” on viewing the content before it disappears.

249. Meta employs these features even though they are aware the features cause harm to young users and that young users are unable to self-regulate their use of Meta’s platforms as the result of Meta’s design choices. An October 2019 presentation entitled “Teen Life Moments: Mental Health Deep Dive” reported that “FOMO and feeling left out” was a category of harm on Instagram, and “[y]oung people are acutely aware that Instagram can be bad for their mental health, yet are compelled to spend time on the app for fear of missing out on cultural and social trends.” Another internal document entitled “Understanding the Negative Social Comparison Spiral” noted

that “FOMO” was part and parcel of activity “associated with feelings of indulgence or addiction, a behavior they get ‘sucked into.’”

#### **E. VIDEO CONTENT**

250. Displaying and “autoplaying” video content is a key aspect that Meta employs to attract and keep younger users. Videos are played in the form of “Reels,” which are short videos created by other users that are displayed in full-screen format and presented in an algorithmically-driven feed. Like other content, Reels display “likes,” follows, comments and views of a particular video. Video represents an important part of Meta’s business strategy and of its strategy to attract youth. According to Mosseri, “more and more” of Instagram’s content will be video over time, as opposed to static pictures.<sup>164</sup>

251. Reels plays a key role in Meta’s business scheme to attract and addict young users. An undated presentation entitled “Teens & Young Adults on IG & FB” confirmed that Meta was “investing heavily in Reels, Stories & Creators in an effort to generate more value for teens” on a page that addressed whether teens were “joining” or “engaging” with Instagram.

252. Video clips on Facebook Reels and Instagram Reels automatically play as a user scrolls and automatically restart once they conclude, providing a stream of content without a break when young users might disengage. The videos are intentionally of a short length in order to ensure that users do not become bored. As noted above, the Reels that play are selected by Meta’s algorithm.

253. Meta launched Reels in order to attract teens who were transitioning to competitors, like TikTok, that already featured a video service. Internal Meta documents confirm that the launch

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<sup>164</sup> Marissa Dellatto, “Instagram Exec Defends Shift to Video Despite Complaints from Creators like Kylie Jenner,” FORBES (July 26, 2022), <https://www.forbes.com/sites/marisdellatto/2022/07/26/Instagram-exec-defends-shift-to-video-despite-complaints-from-creators-like-kylie-jenner/?sh=73be14515c6e>.

of Reels was rushed in order to preserve engagement among Meta’s teen users. One employee noted in a 2020 message: “The fact that we’re shipping reels without a clear picture of the ecosystem impact is pretty mind boggling.” Another employee echoed that sentiment: “it is scary the speed we are moving . . . we either do things WAY TOO FAST without Data. Or do things WAY TO[O] SLOW because of Design/Principles.” These product designers were aware of the harm that could result from Reels, with one stating “I am worried that the cumulative effects are going to be bad.”

254. Advertisements may appear in the midst of the videos, but, often, those advertisements are shown as videos themselves. These features encourage young users to continuously remain on the platform because they do not require user intervention to choose to view and watch the next story.

255. Meta further prominently displays its video features throughout the platform interface in order to maximize viewing time and addictive use.

#### **F. ADDITIONAL DESIGN CHOICES**

256. Additional features of Meta’s platforms are designed to addict teens and adolescents.

257. Meta’s platforms, and Instagram in particular, provide users with image “filters” that allow users to modify their pictures by altering their appearance in photos and videos. The filters allow facial structure alteration, body slimming, skin lightening, skin tanning, blemish cleaning, and other “beauty” features.

258. These filters significantly contribute to feelings of diminished self worth or anxiety among teens and adolescents. One study confirmed that “60% of girls feel upset when their real

appearance doesn't match the online version of themselves," and professionals have expressed concerns regarding the effects of promoting "idealized and unrealistic" appearances online.<sup>165</sup> These effects are heightened by the fact that Meta's platforms do not identify "filtered" content to other users. Other people viewing the picture or story have no idea whether the picture reflects untouched reality or is actually digitally enhanced or altered.

259. Meta's platforms lack sufficient parental controls and notifications. For example, the FTC's COPPA Rule, 16 C.F.R. § 312.1 *et seq.*,<sup>166</sup> requires parental notification and consent before obtaining personal information from children. The Rule makes clear that this provision applies when the entity, like Meta, has actual knowledge that its services are used by individuals under the age of 13. As described above, Meta possesses this knowledge. However, instead of complying with this attribute of COPPA, Meta ignores its knowledge and does not require any parental consent from users, thus preventing parents from taking action if their underage child is using, misusing, or overusing Meta's platforms. Notably, Meta employs no age verification upon signup other than a user's manual input of their date of birth, and Meta is aware that underage users often use false dates of birth in order to gain access to their systems.

260. These choices were intentionally made by Meta in order to attract and retain teens. As one internal document stated, "If Mom starts using an app all the time, the app can lose a 'cool' factor" and thus Meta needed "to create spaces within the app where teens feel like they have privacy both from their own parents but also privacy from non-peers (e.g. Aunt Sally, neighbor

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<sup>165</sup> Anna Haines, "From 'Instagram Face' to 'Snapchat Dysmorphia,'" FORBES Apr. 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=36d5c69e4eff>.

<sup>166</sup> The Commissioner cites COPPA only in support of the Counts listed below and is not seeking to bring a violation for Meta's violation of COPPA.

down the street, teachers, etc.).” That same document championed making “certain features . . . more complex (i.e. indirectly made for teens because more challenging for parents or preteens).”

261. Along those same lines, Meta made it difficult for users to self-restrict time spent on the platform. Meta offered a “time spent” tool on both Facebook and Instagram in 2018 that was described internally as “the flagship launches from IG Well-being at the time.” But the tools were faulty and ultimately discontinued. The measurements were unreliable and inconsistent across both platforms. As one Meta employee stated: “Our data as currently shown is incorrect. It's not just that Apple/Google have better data. Ours is wrong. Far worse. We're sharing bad metrics externally . . . We've been unable to right it despite several person-months of efforts.”

262. And Meta makes it difficult for users to delete their accounts if they wish to discontinue use. A user seeking to cancel their account must navigate numerous screens and pop-up messages, all of which are calculated to convince the user to second-guess their decision. Internal documents confirm that Meta's anti-deletion messages are “aggressive” and include leveraging peer pressure to convince impressionable teens and adolescents to stay, such as “list[ing] some of your friends to remind you that they will no longer be able to contact you through the site” and requiring the user to provide a reason why he or she is deactivating the account.

**XVI. META WAS ACUTELY AWARE OF THE HARM TO YOUTH WELL-BEING RESULTING FROM ITS DESIGN CHOICES, BUT FAILED TO DEVOTE SUFFICIENT RESOURCES TO ADEQUATELY ADDRESS THE HARM TO YOUTH**

263. At the same time that Meta was making these design choices, internal documents confirm that Meta was aware of the harmful effects that its products were having on the wellbeing of children and teenagers. Meta performed numerous studies and analyses concerning teen usage

and the effects resulting therefrom but systematically ignored internal red flags in favor of chasing profits.

264. Documents produced to Congress by whistleblower Frances Haugen confirm the tenor and pervasiveness of this internal conversation. Haugen disclosed the contents of an online, internal discussion among Meta employees in November 2016 that included messages echoing themes heard years later:

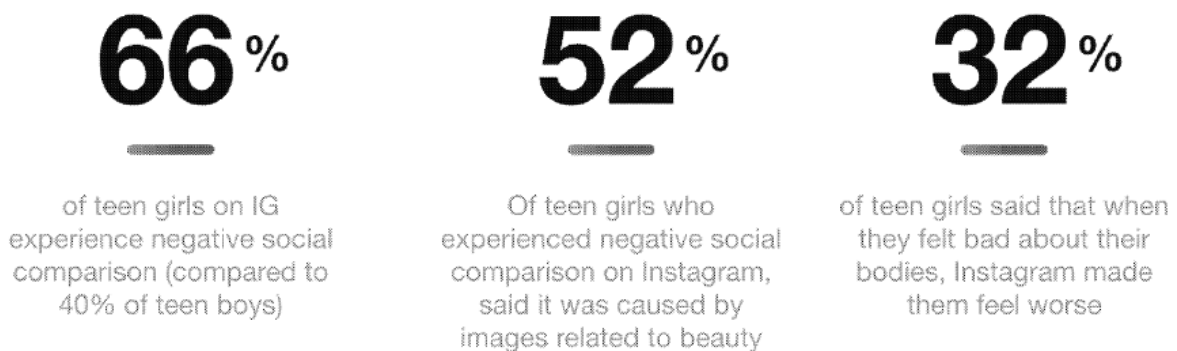
- “our ranking algorithms prevent us from truly being a blind medium . . . we are far more likely to show people only content they will agree with (in pursuit of metrics), creating an echo chamber. We are incredibly biased in what we present to people – not partisan bias, but biased towards metrics . . .”
- “[W]e only cared about things like time spent, open links, etc. That’s what we optimized for. That’s what we used to define success and failure. And that’s the problem.”

265. An internally distributed post dated August 3, 2017 is entitled “Have we made people addicted to Facebook?” The article recounts literature noting “that using apps like ours in some cases leads a user from having a habit of using the app to being addicted.” The article recommended implementing “new tools to help people not obsessively check their account,” which either were never adopted or adopted years later.

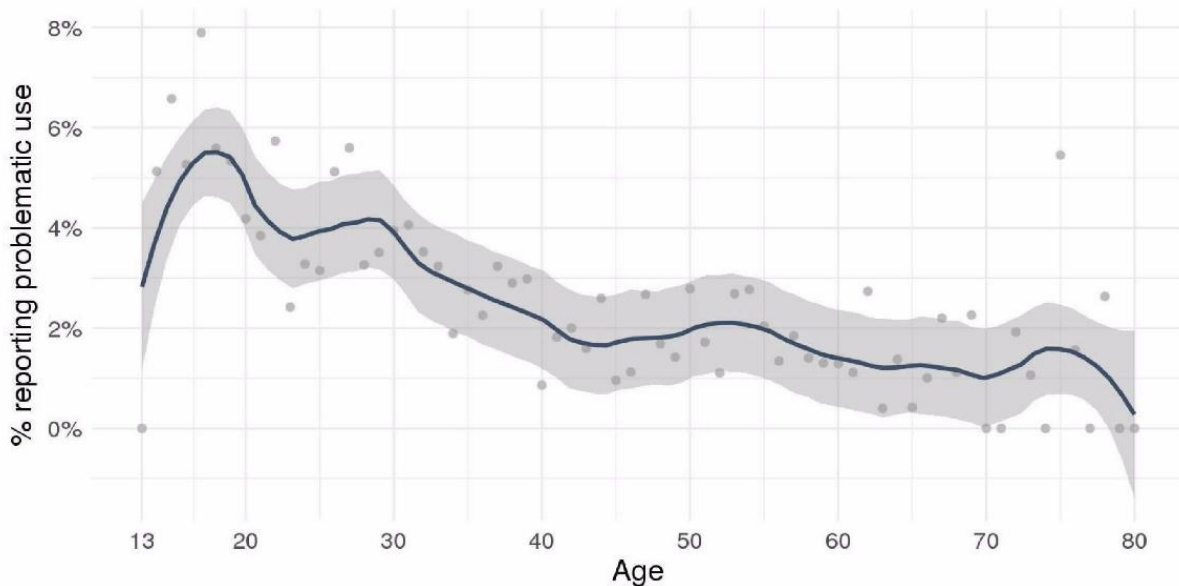
266. An undated presentation entitled “Expression & Authenticity” reported market research acknowledging the devastating social comparison aspects of Instagram: “To a great extent, social pressure is something built-in to the Instagram experience.” It notes that young people felt “[f]ears of scrutiny and judgment” when posting to their Instagram feed and “feel a pressure to be perfect on Instagram.” The presentation references “social competition” and “anxiety” among young Instagram users, as well as “fear of gossip and judgment.”

267. An internal 2018 Meta study reinforces this point, confirming that Meta has been aware for years that Instagram makes social comparison issues worse amongst teens, especially female teens:

**Why? Frequent social comparison is a key driver of subjective well-being and teens say IG makes this problem worse.**



268. A July 31, 2018 internal post reporting on a survey of 20,000 Facebook users is titled: “Problematic Facebook use: When people feel like Facebook negatively affects their life.” The article addresses “stories about ‘Facebook addiction,’” and identifies “activities that are most strongly associated with problematic use.” According to the findings, “teens or people in their 20s” are more likely to “feel like they have a problem” (as shown in the graph below), a finding that is “consistent with previous findings that younger people generally have more problems with self-regulation:”



Problematic use is highest among teens and people in their 20s.

269. A June 2018 internal Meta study entitled “Facebook ‘Addiction’” confirmed that, even if there was not yet evidence to support a clinical “addiction” diagnosis, Facebook could nevertheless be harmful to vulnerable users, like teens and adolescents: “Facebook may be rewarding and habit-forming,” causing “some people [to] experience genuine problems related to their Facebook use.” That presentation offered recommendations that Meta refused to implement, including limiting the number of notifications, ending the infinite scroll and reducing the availability of “Like counts:”

However, **Facebook may be rewarding and habit-forming**. Therefore some people may experience **genuine problems** related to their Facebook use.

We should reduce cases where **rewards are unpredictable or lacking in value**, and reduce **unintentional behavior**, for example:

- notifications with little or no relevance
- continuous content without breaks
- constant updates including Like counts
- lack of feedback about amount of use
- signals of availability that lead to expectations of quick responses

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270. One particularly dangerous form of content that many teens sought out, had delivered to them by Meta’s algorithm, and could not stop watching related to self-harm and suicide. Meta knew this but failed to take adequate steps to prevent young users from accessing this content.

271. Internal research in January 2019 underscored the presence of harmful content and the steps that teen users took to “keep one step ahead of IG’s community guidelines against self-injury by changing hashtags as they are shut down,” citing literature published three years earlier with titles like “Teens are using a Secret Language on Instagram to talk about Self-Harm.” Indeed, under the heading “WHAT WE KNOW,” the document proclaims that “Instagram is a popular platform for communicating about suicide and self-injury and then provides shocking statistics regarding user posts in a one-month period.

272. Tragically, despite that research, Meta continued to allow and connect young users to content that proved deadly. A 14-year-old in London named Molly Russell killed herself in November 2017 after viewing posts on Instagram and Pinterest concerning anxiety, depression, self-harm, and suicide. Her father described the content as the “ghetto of the online world,” but, shockingly, stated in a 2022 Guardian interview that much of the content his daughter viewed

before taking her own life remained accessible on Instagram even after her death and its causes became widely known.

273. The coroner’s inquest into Molly Russell’s death, published in 2022, concluded that Instagram’s algorithm contributed to her death, because the algorithm “result[ed] . . . in binge periods of images, video-clips and text, some of which were selected and provided without Molly requesting them.” The “content romanticized acts of self-harm by young people on themselves” and “sought to isolate and discourage discussion with those who may have been able to help . . . In some cases, the content was particularly graphic, tending to portray self-harm and suicide as an inevitable consequence of a condition that could not be recovered from.” Instagram was the last social media app Molly accessed before her death, and language from Instagram posts matched notes she had left in her bedroom.<sup>167</sup> The coroner concluded that the sites Ms. Russell accessed, including Instagram, “were not safe as they allowed access to adult content that should not have been available for a 14-year-old child to see.”

274. The coroner concluded that Molly died from “an act of self-harm whilst suffering from depression and the negative effects of online content.” Among the product design features that were noted during the inquest, in addition to the role of Instagram’s algorithm in providing Molly with a stream of SSI content: (1) no separation between the adult and child portions of the platforms, and content was not controlled to be age-appropriate; (2) no age verification upon opening an account; and (3) parents and guardians did not have access to the material being viewed or any control of the materials being seen by their children.

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<sup>167</sup> Dan Milmo, “Molly Russell Accessed ‘Ghetto of the Online World’, Father says” GUARDIAN (Sept. 21, 2022) <https://www.theguardian.com/uk-news/2022/sep/21/molly-russell-father-calls-for-action-as-inquest-into-her-death-opens>.

275. Although the coroner’s inquest took several years, Meta employees were acutely aware of the lack of safeguards built into Instagram and expressed their concerns in emails following the Guardian’s outreach to Meta for comments on Ms. Russell’s death. In a January 26, 2019 email thread addressing Meta’s response to a forthcoming media story profiling “30 families of suicide victims accusing Instagram of killing their children,” one Meta employee wrote: “We are defending the status quo when the status quo is clearly unacceptable to media, many impacted families, and when revealed in press, will be unacceptable to the wider public.” Recipients of the thread included Zuckerberg, Sandberg, and Mosseri. Another Meta employee responded to echo the theme that Instagram protocols were insufficient: “our present policies and public stance on teenage self harm and suicide are so difficult to explain publicly that our current response looks convoluted and evasive . . . The fact that we have age limits which are unenforced (unenforceable?) and that there are, as I understand it, important differences in the stringency of our policies on IG vs Blue App [Facebook] makes it difficult to claim we are doing all we can.” Sandberg eventually chimed in, asking whether Meta could improve its policies or whether it was a question of enforcement and confirmed “We can definitely say that we need to improve our enforcement of our policies.”

276. The news report concerning Molly’s suicide appeared to prompt increased research into Instagram’s effects on young users and surfaced internal awareness of Meta’s failures with regard to SSI content. Several weeks later, an internal email to Instagram employees confirmed that “Instagram suicide and self-injury (SSI) issues reveal we are behind where we need to be.” The document outlined proposed changes to Instagram’s framework but noted that “because content outside of promotion did not violate our policies, we had no detection or enforcement in

place at all for any other content, and most worryingly the content was easy to discovery through search, hashtags, IG Explore, etc.” The email further noted that Instagram had not devoted sufficient resources to SSI in recent years and questioned: “Why was SSI in this state?”

277. In early March 2019, Meta employees held a “Well Being Discussion” that included Sandberg, among other attendees. Employees prepared a discussion document that confirmed that “the **average net effect** of FB on people’s well-being is **slightly negative**” and noted that 58% of Facebook users experience problematic use and 45% social comparison:

#### TL;DR

The impact of Facebook Inc.'s products on people's well-being is a complex topic that we haven't fully understood yet. However, we have sufficient information to warrant action now, while we continue to deepen our understanding.

1. Despite all the positive effects that FB provides (e.g. meaningful interactions, belonging, social support), there is increasing scientific evidence (particularly in the US, see [here](#) and [here](#)) that the **average net effect** of FB on people's well-being is **slightly negative**. The science here is still early, primarily US based, and relying on self report – we have a lot more we need to learn.
2. While we don't know why FB causes this negative effect, we have deep understanding around **three** negative drivers that occur frequently on FB and impact people's well-being:
  - a. **Problematic use** (prevalence: 55% mild, 3.1% severe)
  - b. **Social comparison** (prevalence: 40% mild, 5% severe)
  - c. **Loneliness** (prevalence: 36% mild, 7% severe)

278. Meta’s October 2019 “Teen Mental Health Deep Dive” presentation reports that “[o]ne in five teens say that Instagram makes them feel worse about themselves.” A particularly telling slide is entitled “Teens blame Instagram for increases in the rates of anxiety and depression among teens.” The response was “unprompted, and cited “[s]ocial comparison” among the factors that made Instagram “worse than other platforms for mental health:”

## Teens blame Instagram for increases in the rates of anxiety and depression among teens

- This reaction was unprompted and consistent across all groups
- Constant comparison on Instagram is “the reason” why there are higher levels of anxiety and depression in young people
- Social comparison and perfectionism are nothing new, but young people are dealing with this on an unprecedented scale.
- The proliferation of new and different ways to compare themselves to others, combined with constant access to means that there is no way to escape social comparison on IG.
- For both boys and girls, this was called out as being the number one reason why IG is worse than other platforms for mental health. And, young people openly attribute their increased level of anxiety and depression to Instagram.

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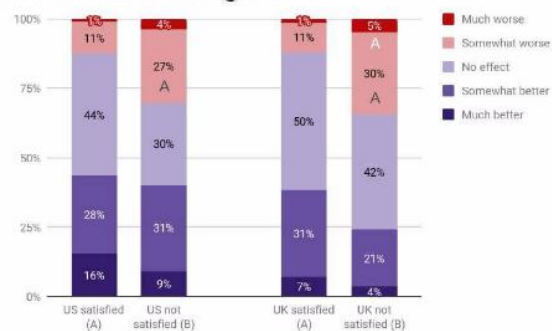
*“The reason why our generation is so messed up and has higher anxiety and depression than our parents is because we have to deal with social media. Everyone feels like they have to be perfect.”*  
- UK Female

279. The very next slide references “fear of missing out” and includes a laundry list of “ways that Instagram harms their mental health,” including “inappropriate advertisements targeted to vulnerable groups,” and “over-sexualization of girls:”

## Teens who struggle with mental health say Instagram makes it worse

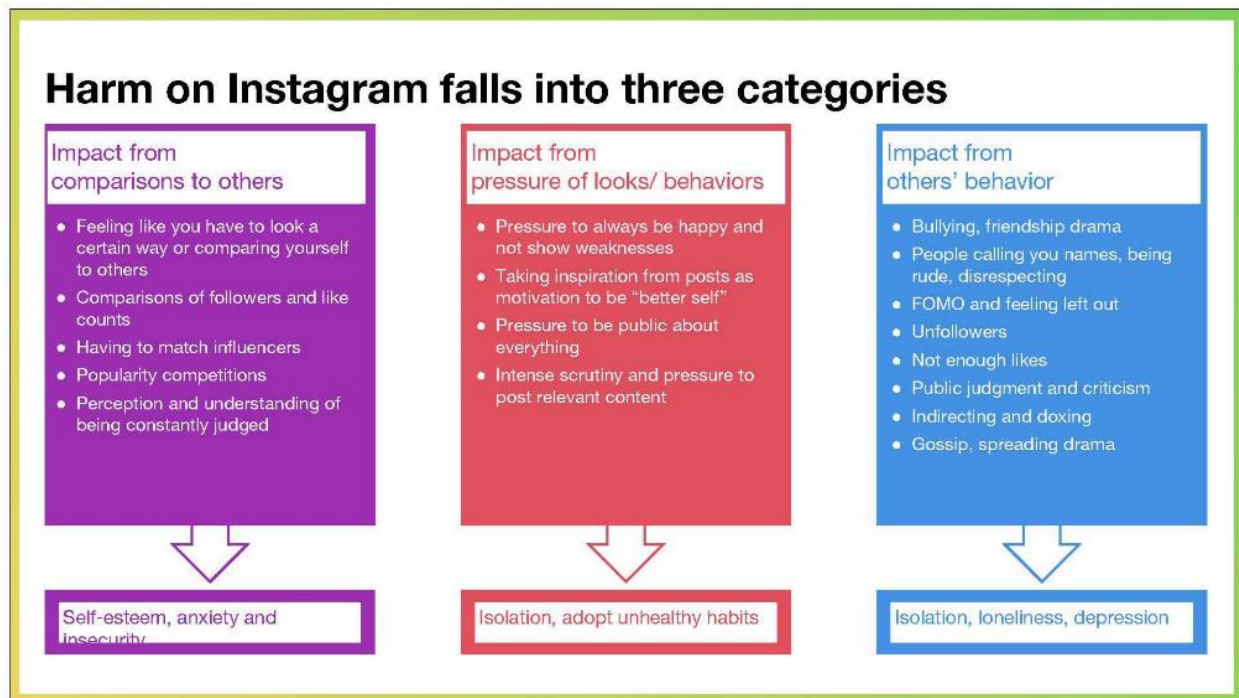
- Young people are acutely aware that Instagram can be bad for their mental health, yet are compelled to spend time on the app for fear of missing out on cultural and social trends.
- Teens specifically call out the following as ways that Instagram harms their mental health:
  - pressure to conform to social stereotypes
  - pressure to match the money and body shapes of influencers
  - the need for validation -- views, likes, followers
  - friendship conflicts, bullying, and hate speech
  - over-sexualization of girls
  - inappropriate advertisements targeted to vulnerable groups

Stated effect of Instagram



Q: In general, how has Instagram affected [the way you feel about yourself/your mental health]?  
 There were no statistically significant differences among those who answered for "the way you feel about yourself" and those who answered for "your mental health"  
 US n = 1296; UK n = 1538

280. Teens further relayed that harm resulting from Instagram use “falls into three categories” and leads to devastating conditions, such as “anxiety,” “insecurity,” “isolation,” “loneliness,” and “depression:”



281. Yet Meta employees did not disclose these, or similar metrics, to the public. For example, Meta refused to provide statistics to the media that would disclose to the public the true extent (or lack thereof) of their wellbeing enforcement efforts. In June 2019, a reporter for Time sent an email with follow-up questions that included inquiries regarding the number of employees “working on the issue of bullying.” A Meta employee did not want to answer the question, likely because the personnel count was paltry. The employee confirmed that “[t]he Well-being Bullying team is ~15 people [at Instagram]. The Facebook Bullying and Harassment team is about that again.” The entire Well-being team included 150 employees, but they were responsible for “all the account and content problems and elections etc, well beyond Bullying.” Meta responded to Time by identifying “30,000” individuals, a number that was comprised almost entirely of outsourced content reviewers who did not have specific responsibility for bullying issues. Meta’s Annual

Report filed with the SEC for the year ending December 31, 2019 claimed that “[a]s of December 31, 2019, we had 44, 942 employees.”<sup>168</sup>

282. An internal post disclosed by Frances Haugen dated November 5, 2019 entitled “Hard Life Moments – Mental health deep dive” confirmed that “~30% of teen girls . . . felt that Instagram made dissatisfaction with their body worse.” Additional slides contained titles such as “Social Comparison has High Reach, Moderate Intensity and We are Making It Worse For 1 In 4 People” and “Body Image (A Related Issue) Also Stands Out For Teens.” The latter slide reports that “1 in 3 teen girls blame Instagram for making their body image issues and problematic social media use worse. Social Comparison is a high reach, high intensity issue that 1 in 5 teens thought we made worse.”

283. That same message was distributed to Meta employees—but not publicly—in a February 2020 “Community RYSK (Research You Should Know)” post: “Teenage girls are 8x more likely to engage with negative social comparison (NSC) than adult men on IG. 1 in 3 teen girls report IG makes their body image issues worse. NSC can cause or is correlated with other issues around: body image, self-esteem, loneliness, and depression.” An internal Meta “literature review” dated March 13, 2020 similarly reported that “33% of Instagram users and 11% of Facebook users think the platform makes their own body image issues worse.”

284. Internal posts and research acknowledged (but not publicly) bullying on Instagram, as well. An undated presentation that likely was prepared before or in 2020 states “We knew that people experience unwanted interactions involving random strangers and people they are relatively

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<sup>168</sup>Meta 2019 Annual Report at 9, [https://s21.q4cdn.com/399680738/files/doc\\_financials/2019/ar/2019-Annual-Report.pdf](https://s21.q4cdn.com/399680738/files/doc_financials/2019/ar/2019-Annual-Report.pdf).

unconnected with” and that “7% of teens report experiencing bullying on Instagram *each week*.” (emphasis added). The presentation noted that “B&H [bullying and harassment] prevalence in DM’s is very high (10%)” and “Severe violations targeted to those under 18 are known as a high prevalence problem in DMs.” Yet, Meta CSERs reported a prevalence number for bullying and harassment in only 8 of 10,000 views, or .08%.

285. Internal documents make clear that, despite all of these internal studies demonstrating harm from its platforms, Meta refused to devote sufficient resources in order to address the problems, despite its public statements to the contrary. An August 2020 email cited a “severe lack of capacity for restricted content,” including “nudity, graphic violence, child safety and SSI content review:”

#### **Lowlights**

- **Multiple problem areas** continue to have a severe lack of capacity for restricted content. We’ve continued to struggle with getting capacity for nudity, graphic violence, child safety and SSI content review due to restrictions on reviewing these categories of content from home. We’ve recently kicked off a CIPGO taskforce to better correlate demand and supply on restricted content, and better articulate impact on our metrics and CSERv7.

286. Meta employees internally questioned lax enforcement with respect to policing content related to eating disorders. In September 2020, a Meta employee reported disturbing deficiencies in detection and removal of information related to eating disorders. The employee reported that Meta blocked content when a user searched using known “inherently violating hashtags,” but that the search still returned results for accounts—the same problems noted with respect to CSAM and other sexually explicit content. “[W]hen you search for these terms, there are no results under the ‘hashtag’ tab, but there are endless results under the ‘Top Accounts’ and ‘Accounts’ tab, and almost all are violating.” Moreover, the same employee reported “No ED

proactive detection at the moment: We don't currently have classifiers to catch eating disorder proactively – which means it's easy to find on Instagram, and is showing up in Explore and accounts 'suggested for you.'" Nevertheless, a Product Manager in Instagram Wellbeing confirmed the volume of improper and harmful content related to eating disorders: "[I]t's hard to defend why we'd block certain terms in hashtag search and not in account search, and *it's easy to find violating ED accounts in a couple of taps*. When I search for 'thinspo' [referencing "thinspiration"] or 'proana' [pro-anorexia] *the accounts shown are overwhelmingly violating*." (emphasis added). Yet, Meta never disclosed these results to the public, instead relying on its misleading statements proclaiming its platforms as "safe" and claiming that it prioritized safety.

287. Moreover, on information and belief, Meta has the ability to track how much time teens and adolescents are spending on content associated with eating disorders. Meta has the technological acumen to send teens and adolescents notifications if they are spending inordinate time periods browsing this content, or to notify parents of such behavior. Meta has chosen not to take any of these steps.

288. Further discussion in the same September 2020 email thread suggested that "ED content is too narrowly defined by our policies so we under-enforce on what the broader public might consider to be ED content." Emails from November 2021—more than a year later—confirm the issue had not been resolved. A journalist reported an account of a man "contacting teenagers affected by eating disorder." The account "has only shared 2 posts but they both show extremely thin bodies, one of which has a caption #thighgap #skinny #weightloss" and "[t]he profile picture is also zoomed image of a rib cage and the 'bio' says 'coaching.'" Moreover, "many of the accounts he is following and that are following him are ED-related accounts." Despite having

access to the account and its posts, Meta’s “safety team” concluded the account “had no violations.” Following that determination, the reporter explained to Meta that the “account is one of many ‘coaches’ – often with pedophile interests or a skinny fetish – who contact girls on IG and other messaging apps and offer to ‘coach’ them in their anorexia and extreme weight loss, often soliciting photos from them at the same time.” Only after receiving that “additional context,” the account was “re-review[ed]” and Meta deleted only one of two posts for violating its Community Standards. The email shows no indication that the account was suspended or that Meta took any other action concerning these troubling reports.

289. An undated document entitled “Eating Disorders PRI Analysis Document” further documented issues regarding eating disorder content on Instagram. The author created a “test account” who followed content related to eating disorders and found “[m]y test user was served violating content and accounts through IG explore surface and Accounts Suggested For You after following other ed [eating disorder]-related accounts.” The author reported that “Violating accounts and content for eating disorders were recommended through Suggestions For You and IG Explore” and explained the reasons for these recommendations included: “We rely on ED strikes from user reports within a 90 day timeframe to be classified as not recommendable” and violative “content is not being deleted” because “[w]e don’t have proactive detection for eating disorder violations in all markets.” The document further notes that “Auto Detection doesn’t exist” for eating disorder content and that “[u]sers can create and maintain IG Story Highlights that are named violating terms,” which “would not be removed off the platform.”

290. Another email in April 2021 noted multiple areas of deficiency, stating “[b]eyond teen safety defaults and reporting flow for under 13, we need solid solutions for detecting,

measuring, and enforcing against children/teen safety and Well-being issues across Messenger Kids, IG, and IG Youth.” The email noted “key risks/issues” that mirrored many of the topics addressed above, including “bullying & harassment” and “age verification,” and noted the “biggest issue” remained “lack of capacity,” i.e. Meta’s refusal to invest in personnel and resources to address these problems:

Some of the key risks/issues highlighted by the team are:

1. We do not have a specialized focus on minors within Bullying & Harassment (B&H).
2. We do not really have any bullying & harassment coverage for messenger and MK .
3. To the team’s awareness, we do not have a specialized focus on minors within any other problem areas in Central Integrity.
4. Age verification (for under 13) has a big backlog and demand is outpacing supply.
5. Age verification has no ground truth to give robust measurement of effectiveness. Some reviews lack market specialization.
6. We do not have focused efforts to understand/address adults compromising the accounts of minors to facilitate abuse, including adversarial evasion of age prediction.
7. We are very nascent in developing strategy for E2EE, ePD and other potential privacy regulations.
8. Perhaps the biggest issue: progress on these and any other issues not raised is hampered by lack of capacity. Indeed, we didn’t dwell so much on gaps on existing areas of coverage but they are

substantial as well. For example, Central Integrity has 1 DS on Child Safety and we are working to get a bit more support, but addressing gaps will require a more robust XFN effort. For plans to build a new, youth-oriented app, that (like any another new surface), will need dedicated integrity focus that does not exist today.

291. Internal Meta research from March 2021 confirmed that a shocking 33% of material viewed by teen girls on Instagram is “likely” to make them “feel worse about their bodies” and that the majority of that content was attributable to influencers and “content from non-friends:”

## Takeaways

- Some topics are likely to make viewers, especially teen girls, feel worse about their bodies:
  - Fashion and beauty (especially makeup, skincare, hair removal, nail art)
  - Relationships (which includes dating, romance, sex, and intimacy)
  - Western pop stars who emphasize their bodies (e.g., Selena Gomez, Cardi B, Ariana Grande)
  - Images that emphasize women's bodies generally (e.g., cleavage, swimwear)
- Collectively, these topics comprise 1/4 of what people see on Instagram (1/3 for teen girls).
- On the other hand, seeing content that emphasizes a collective identity (e.g., sports fandom, tragedy, religion, politics) or an activity (crafts, gardening, puzzles, TV) rather than the poster's body, is associated with less appearance comparison.
- Appearance comparison is being driven by top accounts and content from non-friends. When friends post about problematic topics (e.g., beauty), it doesn't trigger appearance comparison the same way content from non-friends and celebrities does.
- For every piece of friend content a teen girl sees, she sees 5x as many pieces of content from top accounts.

292. None of these internal emails prompted Meta to address its internal deficiencies, despite its public statements to the contrary. Meta's efforts to address youth well-being and prevent harm remained under-resourced through at least August 2021. In an internal email, one Meta employee wrote: "We are not on track to succeed for our core well-being topics (problematic use, bullying & harassment, connections, and SSI, and are at increased regulatory risk and external criticism." That employee noted that "Problematic Use on FB/IG" was "the topic where we have the largest gap relative to competitors and external expectations as well as minimal current staffing" and "recommend[ed] at a minimum staffing these up for 2022."

293. None of the reports and information cited above prompted Meta to make substantial changes in its platform to address these issues. Nor did Meta disclose any of the harm it had identified internally to the public, which would have corrected the misleading and deceptive nature of its public statements proclaiming its platforms “safe.” Rather, Meta continued to pursue profits over safety even when its own employees were identifying the harms resulting from Meta’s own design choices. As one Meta employee put it following publication of leaked internal research, “our own research confirmed what everyone has long suspected.”

#### **XVII. DESPITE KNOWLEDGE OF THE HARMS CAUSED BY ITS PLATFORMS, META REPEATEDLY REJECTED EFFORTS TO IMPROVE ITS SYSTEMS**

294. Notwithstanding the abundant internal research demonstrating harms to young users of its platforms and its public commitments to make Meta safe and good for children, Meta callously rejected numerous proposals to implement changes that would have improved users’ well-being.

295. In 2019, a discussion was held concerning “what it would take to 10x well-being, which resulted in a plan that was reviewed with Chris Cox, Meta’s Chief Product Officer, and Sheryl Sandberg and then was submitted to Mark” Zuckerberg, who refused additional funding for the request. As a result, the effort “ended up punted given other ambiguities.”

296. These decisions were referenced in an August 25, 2020 internal message in which a Meta employee announced her departure from Meta and voiced her frustrations regarding executive decisions. The employee’s email referenced “many hard integrity battles fought,” and made clear that, despite its claims, Meta did not value safety and children’s well-being, and instead subordinated, rejected, or rolled back efforts to address those concerns for monetary or other reasons. The employee’s email confirms that “Integrity teams are facing increasing barriers to

building safeguards” because safety efforts were “prematurely stifled or severely constrained by key decision makers,” and that Meta was “roll[ing] back” “functioning safeguards” because of “fears of public and policy stakeholder responses:”

## Some parting thoughts...

### 1. Integrity teams are facing increasing barriers to building safeguards.

- In recent months, time and again I’ve seen promising interventions from integrity product teams, with strong research and data support, be prematurely stifled or severely constrained by key decision makers—often based on fears of public and policy stakeholder responses.
- Similarly (though even more concerning), I’ve seen already built & functioning safeguards being rolled back for the same reasons (e.g., see [sparing sharing deprecation](#), and movement back towards [lighter misinfo UI treatments](#))
- While mountains of evidence is (rightly) required to support a new intervention, none is required to kill (or severely limit) one.
- *\*To be clear - This is in **no way** meant as a criticism to the integrity teams on the ground who are working and innovating as hard as they can under increasing constraints. This (and the following) **is** intended as a call to reflection for those decisions-makers imposing constraints.*

297. She further confirmed that Meta was “*knowingly* exposing users to risks of integrity harms” because of “potential” media responses. She confirmed that cross-platform enforcement of Meta’s rules and policies was non-existent because “there is no *dedicated* team or central body tasked with monitoring” Meta’s “complex system . . . with cross-surface interactions for safety

risks as a whole.” And she noted that Meta lacked “consistent resources or incentives provided to help teams check for potential user harms or de-risk products at the outset.”

298. Recent congressional testimony from Arturo Bejar confirms the employee’s experience. Bejar initially worked in “Facebook’s Protect & Care group” until 2015, and when he left Facebook, he “felt good that we had built numerous systems that made using our products easier and safer.”

299. Bejar returned as a consultant to Meta in 2019 to address the “distressing experiences” faced by many teens he knew of. He discovered that his prior work from just four years earlier had been largely dismantled:

It was not a good experience. Almost all of the work that I and my colleagues had done during my earlier stint at Facebook through 2015 was gone. The tools we had built for teenagers to get support when they were getting bullied or harassed were no longer available to them. People at the company had little or no memory of the lessons we had learned earlier.

300. Meta had effectively abandoned his prior work for the sake of pursuing greater teenage audiences, which in turn led to greater profit. As Bejar noted in his written Congressional testimony, “Meta’s current approach to these issues only addresses a fraction of a percent of the harm people experience on the platform. In recent years, repeated examples of harm that has been enabled by Meta and other companies has come to light, through whistleblowing, outside research studies, and many stories of distressing experiences people have there . . . [T]here is a material gap between their narrow definition of prevalence and the actual distressing experiences that are enabled by Meta’s products.”

301. Bejar laid the blame squarely on Meta and its decision-makers, including Zuckerberg: “[M]anagers including CEO Mark Zuckerberg do not seem to seek to understand or

actually address the harms being discussed. Instead, they minimize or downplay published findings, and even sometimes the results of their own research. They also try to obfuscate the situation by quoting statistics that are irrelevant to the issues at hand.”

302. As another example of its unwillingness to favor young users’ mental health over its advertising revenue, Meta rejected a program intended to hide the public display of “likes” despite knowledge that publicizing the counts of likes on users’ posts caused harmful negative social comparison in teens.

303. “Likes” are another aspect of Meta’s platforms that provide “[s]ocial affirmation and validation.” As one research report noted, “such a simple characteristic has reaped huge rewards in terms of adolescents repeatedly coming back to check their social media platforms, and what some have described as a ‘craving for validation.’”<sup>169</sup> By default, Meta reports the total number of likes every post receives.

304. Meta’s internal research confirmed that this public display of likes was inextricably linked with negative social comparison among young users. An email dated October 1, 2019 reported that hiding “likes” was discussed at Meta as early as December 2017 because a public roundtable “revealed how big of [a] negative impact like counts were having, especially on young creators” and noted “a broader sense that Instagram has created a #FOMO culture and a need to be perfect,” resulting in “an apparent corresponding impact on mental health/anxiety levels.” Citing “past research,” an October 2020 internal document entitled “Likes and Social Comparison on Instagram” confirmed that “Like and comment counts have been cited as a potential trigger of

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<sup>169</sup> Mark D. Griffiths, “Adolescent social networking: How do social media operators facilitate habitual use?” EDUCATION and HEALTH, Vol. 36, No.3 (Nov. 3, 2018) <https://sheu.org.uk/sheux/EH/eh363mdg.pdf>.

social comparison. In particular, a ‘Like paradox’ (i.e. that people’s friends tend to receive more Likes than they do) may lead people to overestimate their friends’ popularity and thus feel worse.” That research paper confirmed: “Seeing more posts with high Like counts (1k+) was associated with feeling worse: more negative social comparison and less positive social comparison.”

305. To address this harmful impact, Meta implemented a test program called “Project Daisy,” which would have hidden the public like count on posts. There are two versions of “Project Daisy:” (1) “Pure Daisy” (like counts on all posts except one’s own were hidden), and (2) “Popular Daisy” (like counts on posts from certain highly followed accounts were visible, but the like counts on average users’ posts were hidden). Both projects were well-received among young users, and Meta’s researchers recommended implementing Project Daisy in October 2020.

306. Even though “Pure Daisy reduced negative social comparison in teen girls, . . . the impact of negative social comparison was not evaluated in the original launch decision.” Instead, Meta employees, including, on information and belief, top leadership (Zuckerberg and Mosseri), rejected rollout of “Project Daisy” because “it was not impactful from the lens that IG was evaluating previously (reduce creation flow abandonment and reducing deletion of posts with low like counts) and was pretty negative to FB metrics.”

307. However, in public statements, Meta misrepresented its reasons for refusing to implement Project Daisy. Its prepared talking points regarding Project Daisy stated that Meta was implementing Daisy as an opt-in feature because “[f]or some people, hiding public like counts helped people focus less on the number and more on the content, [but] for others it didn’t really matter much.” Mosseri falsely stated in a public interview that implementing the project didn’t have “a big impact on how much people use the product” and that the impact was “neutral.”

308. Despite Meta’s outward-facing public message that it prioritized safety and the well-being of its users, the rejection of “Project Daisy” demonstrates that, in practice, user safety and well-being was subordinated to business concerns, including profits. One employee called the approval process “awful, with leads disagreeing about whether social comparison survey results counted as ‘wellbeing’ and generally discounting” the Integrity team’s “expertise.” The employee noted that Project Daisy was rejected even though “there were small but probably non-trivial revenue impacts” and despite, one employee’s words, “one of the clearest things (supported by research) that we can do to positively impact social comparison and well-being on [Instagram].”

309. In October 2020, Adam Mosseri emailed Instagram’s “Wellbeing” personnel to advise them that he believed “social comparison [is] the existential question Instagram faces within the broader question of whether or not social media is good or bad for people,” but he recognized in that same email that it would “be impossible” for the team to devote sufficient resources “without divesting from somewhere else.”

310. Yet, nearly a year later, the “Wellbeing” team remained under-resourced and subordinated to other priorities. An internal chat from September 2021 underscored the features that were lacking on Instagram compared to its competitors. Pavni Diwanji, a Meta Vice President, advised Mosseri that the “state of mental wellbeing on IG needs work.” In particular, Diwanji criticized Instagram’s “one size fit all users when it comes to mental wellbeing” and Instagram’s lack of “user visible features” available on its competitors’ products, specifically noting features that Meta rejected/refused to implement, such as “take a break, screen time management, [and] restricted mode where they allow parents to pair with teens and tweens.” Diwanji further noted that TikTok was “more proactive on content takedowns.” Diwanji, who, on information and belief,

was responsible for youth initiatives at the time, complained about “challenges inside” Meta that made her job harder and warned: “this is not a good way to operate.”

311. Meta proclaimed to the public that safety was a “top priority” that it “cared deeply” about and “aggressively” worked to promote. Yet its business decisions told a different story. Time after time, Meta’s executives rejected safety and refused to invest in programs or personnel sufficient to address Meta’s significant “well-being” flaws, because doing so would have compromised Meta’s revenues.

#### **XVIII. META’S PLATFORM DESIGN CAUSED MENTAL HEALTH HARM TO YOUNG USERS, INCLUDING USERS IN THE VIRGIN ISLANDS**

312. The design of Meta’s platform and its decisions to implement (or not to implement) features in order to maximize teen engagement and profits has and continues to cause real and lasting harm to young users, including young users in the Virgin Islands.

313. In May 2023, the Surgeon General of the United States issued an advisory entitled “Social Media and Youth Mental Health” that summarized findings concerning the devastating impacts of social media use and noting “increasing concerns among researchers, parents and caregivers, young people, healthcare experts, and others about the impact of social media on youth mental health.”<sup>170</sup> While noting benefits from social media use, the advisory warned “that adolescents who spent more than 3 hours per day on social media faced double the risk of experiencing poor mental health outcomes including symptoms of depression and anxiety.”<sup>171</sup> The Surgeon General further explained that studies on “college-aged youth” had shown “sizable effects,” including stark increases in depression and anxiety, and “raise serious concerns about the

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<sup>170</sup> The U.S. Surgeon General’s Advisory, Social Media and Youth Mental Health 2023, <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

<sup>171</sup> *Id.* at 6.

risk of harm from social media exposure for children and adolescents who are at a more vulnerable stage of brain development.”<sup>172</sup>

314. The Surgeon General’s concerns were not limited merely to time spent on social media platforms. The advisory warned that “[e]xtreme, inappropriate, and harmful content continues to be easily and widely accessible by children and adolescents,” and noted studies finding that “discussing or showing this content can normalize such behaviors, including through the formation of suicide pacts and posting of self-harm models for others to show.”<sup>173</sup> The Surgeon General further cited studies “demonstrat[ing] a significant relationship between social media use and body image concerns and eating disorders, with social comparison as a potential contributing factor.”<sup>174</sup>

315. The Surgeon General confirmed that “[e]xcessive and problematic use of social media can harm children and adolescents by disrupting important healthy behaviors” and warned that product features, like those implemented by Meta, “designed to maximize user engagement . . . [have] the potential to encourage excessive use and behavioral dysregulation [typically referring to anxiety, depression, suicidal thoughts, self-harm, and other self-damaging behaviors].”<sup>175</sup> The Surgeon General also relayed statistics indicating that “one-third or more” of the youngest users (girls aged 11 to 15) “say they feel ‘addicted’ to a social media platform.”<sup>176</sup>

316. A systematic study of research papers printed in 2020 validated much of the Surgeon General’s analysis, concluding that “[s]ocial media are responsible for aggravating mental

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<sup>172</sup> *Id.* at 7.

<sup>173</sup> *Id.* at 8.

<sup>174</sup> *Id.*

<sup>175</sup> *Id.* at 9.

<sup>176</sup> *Id.*

health problems” and finding “a general association between social media use and mental health issues.”<sup>177</sup> The review noted links between increased usage of social media and “anxiety and depression,” including among teens, who “experience anxiety from social media related to fear of loss, which causes teens to try to respond and check all their friends’ messages . . . on a regular basis.”<sup>178</sup>

317. Another study found that “engagement with photo-based social media sites, such as Instagram, is associated with poor body image.”<sup>179</sup> That study assessed social media behaviors, including “avoidance of posting selfies, photo investment, photo manipulation, and investment in others’ selfies” and found that each behavior “was associated with greater likelihood” of suffering from eating disorders,<sup>180</sup> which can also lead to other health consequences, such as gastrointestinal illnesses, impacts to the endocrine and cardiovascular systems, bone or gray matter brain loss or atrophy, and fertility issues.<sup>181</sup>

318. Indeed, as early as 2014, a study entitled “NetTweens: The Internet and Body Image Concerns in Preteenage Girls” concluded that “[t]ime spent on . . . social networking sites produced stronger correlations with body image concern than did overall Internet exposure” and that “the

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<sup>177</sup> Karim F, Oyewande AA, Abdalla LF, Chaudhry Ehsanullah R, Khan S. Social Media Use and Its Connection to Mental Health: A Systematic Review. *Cureus*. 2020 Jun 15;12(6):e8627. doi: 10.7759/cureus.8627. PMID: 32685296; PMCID: PMC7364393, <https://pmc.ncbi.nlm.nih.gov/articles/PMC7364393/>.

<sup>178</sup> *Id.*

<sup>179</sup> Lonergan AR, Bussey K, Fardouly J, et al. Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence. *Int J Eat Disord*. 2020; 53: 755–766. <https://doi.org/10.1002/eat.23256>.

<sup>180</sup> *Id.*

<sup>181</sup> See, e.g., Anorexia Nervosa, Cleveland Clinic <https://my.clevelandclinic.org/health/diseases/9794-anorexia-nervosa#outlook--prognosis>; Bulimia Nervosa; Cleveland Clinic <https://my.clevelandclinic.org/health/diseases/9795-bulimia-nervosa#symptoms-and-causes> (last visited Dec. 18, 2025).

Internet represents a potent sociocultural force among preteenage girls.”<sup>182</sup> A 2018 open letter to Zuckerberg signed by 118 public health advocates cited this study and others in concluding that “a growing body of research demonstrates that excessive use of digital devices and social media is harmful to children and teens.”<sup>183</sup>

319. Research has linked excessive social media use with sleep disturbance, which is particularly a problem among teens and adolescents and can result in “a range of poor health outcomes,” including adverse effects on “cognitive performance, mood, immune function, cardiovascular risk, weight, and metabolism.”<sup>184</sup> The researchers found “consistent, substantial, and progressive associations between [social media] use and sleep disturbance” among young adults, a finding likely equally applicable to teens and adolescents.<sup>185</sup>

320. Statistics from the CDC’s “Youth Risk Behavior Survey” confirm that the rise in social media use among teenagers and adolescents, including use of Instagram and Facebook, corresponds with a decline in youth mental health. According to the survey, “[i]n 2021, 42% of high school students felt so sad or hopeless almost every day for at least two weeks in a row that they stopped doing their usual activities.” The percentage of female high school students who reported feeling “persistent feelings of sadness or hopelessness” increased from 36% in 2011 to 57% in 2021. Twenty-nine percent of all respondents and 41% of female respondents reported

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<sup>182</sup> Tiggemann M, Slater A. NetTweens: The Internet and Body Image Concerns in Preteenage Girls: The Internet and Body Image Concerns in Preteenage Girls. *The Journal of Early Adolescence*. 2013;34(5):606-620. doi:[10.1177/0272431613501083](https://doi.org/10.1177/0272431613501083)

<sup>183</sup> CCFC, Letter to Mark Zuckerberg (Jan. 30, 2018), <https://fairplayforkids.org/wp-content/uploads/archive/develop/gaw/FBMessengerKids.pdf>.

<sup>184</sup> Jessica C. Levenson, Ariel Shensa, Jaime E. Sidani, Jason B. Colditz, Brian A. Primack, The association between social media use and sleep disturbance among young adults, *Preventive Medicine*, Vol. 85, 2016, Pgs 36-41, ISSN 0091-7435, <https://doi.org/10.1016/j.ypmed.2016.01.001>.

<sup>185</sup> *Id.*

experiencing “poor mental health” in the past 30 days. And the survey reported that 30% of female high school students had “seriously considered attempting suicide” during the past year, an increase from only 19% 10 years earlier.

321. A 2019 study of nearly 7,000 adolescents found that “adolescent social media use was prospectively associated with increased risk of” adverse mental health characteristics. The study found that “Adolescents who engage in high levels of social media use may experience poorer quality sleep” and that increased social media use could be associated with an increased risk of “cyberbullying, which has a strong association with depressive symptoms.” Further, the study noted “negative body image,” “anxiety” and “depression” as connected to social media use.<sup>186</sup>

322. The harms described in the Surgeon General’s advisory and the representative research cited above are not limited to a particular geography. They occur nationwide, including in the Virgin Islands.

323. Moreover, the Surgeon General’s advisory and public research is consistent with years of internal Meta research chronicling harm to young users arising from the design of Meta’s platforms, much of which is described in the preceding paragraphs. While Meta promised to safeguard the health and safety of children on its platforms (and to keep the youngest users offline), at every turn, it made decisions that put its own profits ahead of their well-being.

324. In an April 2025 SEC filing, some of Meta’s shareholders proposed increased protections for child safety and “harm reduction” to children. This proposal notes that “Social media

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<sup>186</sup> Riehm KE, Feder KA, Tormohlen KN, et al. Associations Between Time Spent Using Social Media and Internalizing and Externalizing Problems Among US Youth. *JAMA Psychiatry*. 2019;76(12):1266–1273. doi:10.1001/jamapsychiatry.2019.2325. <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2749480>.

impacts children’s brains differently than adult brains. It also poses physical and psychological risks that children and teens are unprepared for, including sextortion, grooming, hate group recruitment, human trafficking, cyberbullying, harassment, invasion of privacy, financial scams, and exposure to sexual, violent or self-harm content, among others.” It goes on to note that “Meta’s own research shows Instagram’s negative impacts on teens’ self-image, increased rates of depression and anxiety, and increased suicidal thoughts.”<sup>187</sup> Despite shareholders’ advocacy for more robust child safety protection, Meta’s board recommended voting against the measure and the measure ultimately failed.<sup>188</sup>

#### **XIX. META MADE MISLEADING AND DECEPTIVE CLAIMS IN PUBLIC STATEMENTS THAT ITS PLATFORMS WERE SAFE**

325. As Bejar made clear in his Congressional testimony, “Meta continues to publicly misrepresent the level and frequency of harm that users, especially children, experience on the platform.” These misrepresentations were designed to increase usage of Meta’s platforms by assuring teens and their parents that its platforms were safe and appropriate for children and failed to disclose the evidence of serious harms that it knew its young users suffered. Each of these statements and omissions painted a misleading and untrue picture of the safety of its platforms and sought to minimize or misstate the volume of objectionable content and dangerous activity on Meta’s platforms.

326. Meta and its executives repeatedly made statements intended to reassure users, advertisers paying to reach those users, and parents that its platforms are safe and that illegal

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<sup>187</sup> Meta Proxy Statement (Schedule 14A) (April 17, 2025); <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/817c2e5b-b0be-40f5-8b52-4f5a0db288c5.pdf>.

<sup>188</sup> Meta Form 8K (May 30, 2025); <https://www.sec.gov/Archives/edgar/data/1326801/000132680125000090/meta-20250528.htm>.

content on Meta’s platforms is minimal, or, if it does exist, is subject to prompt and effective action by Meta’s personnel and automated detection systems, including the following:

- a. Eva Chen, a Meta employee responsible for fashion partnerships, was reported as stating at a CornellTech event in the Spring of 2018 that “[m]aking the community a safer place, a place where people feel good, is a huge priority for Instagram . . . I would say one of the top priorities.”<sup>189</sup>
- b. In a June 2019 interview with CBS News, Instagram head Adam Mosseri stated: “We’ve been focused on wellbeing broadly, like I said, it’s our number one priority” and “[w]e will do things that mean people use Instagram less if we think that they keep people safe or generally create a healthier environment.”<sup>190</sup>
- c. On a public earnings call on January 29, 2020, Meta’s then Chief Operating Officer, Sheryl Sandberg, stated: “While we continue to invest in helping businesses, we are equally focused on keeping our platform safe.”
- d. On a public earnings call on January 29, 2020, Meta’s then Chief Operating Officer, Sheryl Sandberg, stated: “While we continue to invest in helping businesses, we are equally focused on keeping our platform safe.”

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<sup>189</sup>Sangeeta Singh-Kurtz, “Instagram is Building a Team to Stop People from Feeling Bad on Instagram,” QUARTZ (July 20, 2022), <https://qz.com/quartz/1238074/Instagrams-new-wellbeing-team-will-address-its-effect-on-mental-health/>.

<sup>190</sup>CBS News, “Instagram Head Says They’re ‘Rethinking the Whole Experience’ of the Platform,” (June 26, 2019) <https://www.cbsnews.com/news/adam-mosseri-Instagram-is-seriously-considering-hiding-likes-apps-head-reveals/>.

- e. In May 2021, Mosseri told reporters that Instagram’s effects on the wellbeing of teenagers and adolescents was “quite small,” according to a September 2021 report in the Wall Street Journal.<sup>191</sup>
- f. In June 2021, Meta issued a statement to CBS News calculated to portray Meta’s platforms as safe and to convince uses and potential users that Meta actively and effectively polices activity on its Facebook platform:

Sex trafficking and child exploitation are abhorrent and we don’t allow them on Facebook. We have policies and technology to prevent these types of abuses and take down any content that violates our rules. We also work with safety groups, anti-trafficking organizations and other technology companies to address this and we report all apparent instances of child sexual exploitation to the National Center for Missing and Exploited Children.

- g. On October 5, 2021, Meta Chief Executive Officer Mark Zuckerberg published a public Facebook post that claimed: “We care deeply about issues like safety, well-being and mental health. It’s difficult to see coverage that misrepresents our work and our motives.” Zuckerberg continued: “At the heart of these accusations is this idea that we prioritize profit over safety and well-being. That’s just not true.” He claimed that “it’s very important to me that everything we build is safe and good for kids.”<sup>192</sup>
- h. Instagram’s website contains a blog post dated December 7, 2021 attributed to Mosseri entitled “Raising the Standard for Protecting Teens and Supporting Parents

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<sup>191</sup>Georgia Wells, Jeff Horwitz, and Deepa Seetharaman, “Facebook Knows Instagram is Toxic for Teen Girls, Company Documents Show,” (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-Instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>.

<sup>192</sup> Mark Zuckerberg, Facebook Post, (Oct. 5, 2021) <https://www.facebook.com/zuck/posts/10113961365418581>.

Online.” That post begins with the following statement: “At Instagram, we’ve been working for a long time to keep young people safe on the app.”<sup>193</sup> Another blog post from December 15, 2022 is entitled “Continuing to Keep Instagram Safe and Secure,”<sup>194</sup> which is intended to deemphasize the prevalence of inappropriate and illicit content and contacts that teens and adolescents face on a near-daily basis.

- i. Responding to an article in the Guardian, “How Facebook and Instagram became marketplaces for child sex trafficking,” which was published in 2023, a Meta spokesperson promised: “The exploitation of children is a horrific crime – we don’t allow it and we work aggressively to fight it on and off our platforms.”<sup>195</sup>
- j. In an April 2025 public SEC filing, Meta claimed: “We use industry-leading tools to fight child sexual exploitation, and report apparent instances of child exploitation that we become aware of to the NCMEC.”<sup>196</sup> Meta went on to state in that same filing that “We are committed to fostering a safe, positive experience online for young people,” “We have made significant changes and investments to help protect young people on our platforms,” and “We collaborate with global experts and industry partners to build a broader child protection ecosystem.”<sup>197</sup>

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<sup>193</sup> Adam Mosseri, “Raising the Standard for Protecting Teens and Supporting Parents Online, INSTAGRAM (Dec. 7, 2021), <https://about.instagram.com/blog/announcements/raising-the-standard-for-protecting-teens-and-supporting-parents-online>.

<sup>194</sup> Instagram, “Continuing to Keep Instagram Safe and Secure,” (Dec. 15, 2022)

<https://about.instagram.com/blog/announcements/continuing-to-keep-instagram-safe-and-secure>.

<sup>195</sup> Mark Zuckerberg, Facebook Post, (Oct. 5, 2021) <https://www.facebook.com/zuck/posts/10113961365418581>.

<sup>196</sup> Meta Proxy Statement (Schedule 14A) (April 17, 2025); <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/817c2e5b-b0be-40f5-8b52-4f5a0db288c5.pdf>.

<sup>197</sup> *Id.*

- k. Meta’s Community Standards for Facebook declare: “We do not allow content or activity that sexually exploits or endangers children”<sup>198</sup> including child nudity, and, with respect to suicide/self-harm content proclaim: “We remove any content that encourages suicide or self-injury, including fictional content such as memes or illustrations and any self-injury content which is graphic, regardless of context.”<sup>199</sup>
- l. Its Instagram Community Guidelines similarly claim: “We have zero tolerance when it comes to sharing sexual content involving minors or threatening to pose intimate images of others.”<sup>200</sup> Meta’s Transparency Center promises that the company (in relevant part) “remove[s] content that facilitates or coordinates . . . human trafficking”, including “in order to force them to engage in commercial sex . . .” through “deception, force and coercion.” However, as described above, such content is readily available on Facebook and Instagram and efforts to remove it are often rejected or unsuccessful.

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<sup>198</sup> Meta, Community Standards, Child Sexual Exploitation, Abuse, and Nudity, <https://transparency.fb.com/policies/community-standards/child-sexual-exploitation-abuse-nudity/> (last visited Dec. 22, 2025).

<sup>199</sup> Meta, Community Standards, Suicide, Self-Injury, and Eating Disorders, <https://transparency.fb.com/policies/community-standards/suicide-self-injury/> (last visited Dec. 22, 2025).

<sup>200</sup> Meta, Community Standards, <https://help.instagram.com/477434105621119> (last visited Dec. 22, 2025).

<sup>201</sup> Meta, Community Standards, Child Sexual Exploitation, Abuse, and Nudity, <https://transparency.fb.com/policies/community-standards/child-sexual-exploitation-abuse-nudity/> (Dec. 22, 2025).

is graphic, regardless of context.”<sup>202</sup> Its Instagram Community Guidelines similarly claim: “We have zero tolerance when it comes to sharing sexual content involving minors or threatening to pose intimate images of others.”<sup>203</sup> However, as described above, such content is readily available on Facebook and Instagram and efforts to remove it are often rejected or unsuccessful.

328. Meta’s published “Community Standards” also proclaim that Meta “take[s] our role seriously in keeping abuse off the service.” But this statement cannot be squared with the numerous reports above of Meta failing to detect or address a huge volume of sexualized content, allowing children to access it, or designing its algorithms to recommend it and network it through a web of predators. Meta claims that such illicit or unlawful content is infrequent and is allowed to remain only after the company determines that its value outweighs its harm: “In some cases, we allow content—which would otherwise go against our standards—if it’s newsworthy and in the public interest. We do this only after weighing the public interest value against the risk of harm, and we look to international human rights standards to make these judgments.”<sup>204</sup>

329. Meta’s efforts to publicly portray its platforms as safe and largely free of illicit content extends to quarterly Community Standards Enforcement Reports (“CSER”) which “provide metrics on how we enforced our policies . . . and estimates on the amount of violating content (Prevalence) on Facebook and Instagram.” Meta’s May 15, 2018 press release announcing the formation of these reports made clear that the reports were and are intended to allow the public to see “how much bad stuff is out there,” and thereby permit the public to “judge our performance

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<sup>202</sup> Meta, Community Standards, Suicide, Self-Injury, and Eating Disorders, <https://transparency.fb.com/policies/community-standards/suicide-self-injury/> (last visited Dec. 22, 2025).

<sup>203</sup> Meta, Community Standards, <https://help.instagram.com/477434105621119> (last visited Dec. 22, 2025).

<sup>204</sup> Meta, Community Standards, <https://transparency.fb.com/policies/community-standards/> (last visited Dec. 22, 2025).

for yourself.” Meta positioned itself as a company invested in eliminating illicit content from its platforms: “We believe that increased transparency tends to lead to increased accountability and responsibility over time, and publishing this information will push us to improve more quickly too. This is the same data we use to measure our progress internally – and you can now see it to judge our progress for yourselves.”

330. Each and every one of these reports underreport the existence of objectionable or violative conduct on Facebook or Instagram because they all rely on Meta’s flawed “prevalence” standard. A May 23, 2019 blog post described “prevalence” as “[o]ne of the most significant metrics we provide in the Community Standards Enforcement Report.” Meta reported that “we consider prevalence to be a critical metric because it helps us measure how violations impact people on Facebook. We care most about how often content that violates our standards is actually seen relative to the total amount of times any content is seen on Facebook.” It compared this metric to “measuring concentration of pollutants in the air we breathe” and claimed that “[p]revalence is the internet’s equivalent – a measurement of what percent of times someone sees something that is harmful.”<sup>205</sup>

331. Meta’s CSERs consistently reported low prevalence of CSAM, bullying, and other problematic materials. For example:

- a. The CSER released in November 2019 claimed that prevalence was an “upper limit [of] 0.04%” of views for content violating Meta’s policies prohibiting

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<sup>205</sup> Meta, “Measuring Prevalence of Violating Content on Facebook,” META (May 23, 2019) <https://about.fb.com/news/2019/05/measuring-prevalence/>.

“child nudity and sexual exploitation of children, regulated goods, suicide and self-injury, and terrorist propaganda.”

b. The December 2020 CSER claimed that “less than 0.05% of views were of content that violated our standards against Child Nudity and Sexual Exploitation” and that “less than 0.05% of views were of content that violated our standards against Suicide and Self-Injury.”

c. The Q3 2021 CSER reported “that between 0.14% to 0.15% of views were of content that violated our standards against Bullying & Harassment” and that “less than 0.05% of views were of content that violated our standards against Suicide & Self-Injury.”

332. Individually and collectively, each of these reports conveyed the impression that Meta aggressively enforced its Community Standards on both Facebook and Instagram, and that its efforts were succeeding in keeping the platforms relatively free of harmful content. For example, a November 13, 2019 news release announcing release of the fourth CSER includes the heading “Progress to Help Keep People Safe.” Meta’s most recent report (released in August 2023) claims that the purpose of the report is to “demonstrate our continued commitment to making Facebook and Instagram safe and inclusive.”

333. Nowhere do the CSERs explain how much sexualized content remains on the platforms and accessible to children; the ability of adult strangers to identify, groom, and seek sexualized content and activity from children; or the widespread sale of CSAM, among other commercial sexual exploitation of children.

334. Moreover, as explained above, the prevalence metric consistently underestimated the amount of problematic and illicit content displayed on Facebook. The prevalence metric contradicted the findings of Meta’s own BEEF study, which showed a much greater “prevalence” of bad experiences involving illicit, questionable or violative conduct on Meta’s platforms. The chart below demonstrates the discrepancies between the BEEF study (reported instances only over the prior 7 days) and the corresponding Community Standards Enforcement Report (which reports “prevalence” over a longer period of time):

<i><b>BEEF Study Metric</b></i>	<i><b>BEEF Study Finding (Overall)</b></i>	<i><b>Study Finding (Ages 13-15)</b></i>	<i><b>CSE Report (3Q 2021) Metric</b></i>	<i><b>CSE Report (3Q 2021) “Prevalence” on Instagram</b></i>
Witness to bullying (“bully witness”)	28.3%	27.2%	Bullying and Harassment	“between 0.05% to 0.06% of views”
Witness to hate message (“hate witness”)	25.3%	26.0%	Hate Speech	“about 0.02% of views”
Nudity	16.3%	19.2%	Adult Nudity & Sexual Activity	Displays range of 0.02% to 0.03%
			Child Nudity & Sexual Exploitation <sup>206</sup>	Not reported
“Unwanted Advances”	11.9%	13.0%	No corresponding category	
Target of bullying (“bully target”)	8.1%	10.8%	Bullying & Harassment	“between 0.05% to 0.06% of views”

335. Meta not only made affirmative misrepresentations, it also made material omissions in its public statements. For example, a June 8, 2021 blog post entitled “Shedding More Light on

<sup>206</sup> The CSER states that “Child Nudity & Sexual Exploitation” was “Measured until Q1 2021, and then replaced with Child Endangerment policy categories.” However, the CSER does not report prevalence for the “Child Endangerment: Sexual Exploitation” category or for the “Child Endangerment Nudity and Physical Abuse” category.

How Instagram Works” represented that Instagram employed “algorithms, classifiers, and processes” in order “to personalize your experience” to prioritize “what you care about most.”<sup>207</sup> But that post did not disclose that those recommendations could, and often did, include recurring posts containing illegal or harmful content. Nor did it disclose the existence of “rabbit holes,” “vortices” or “flywheels,” well-known to Meta, that resulted from the algorithms design and operation. Further, an article in Instagram’s “Help Center” section represents that Instagram “avoid[s] making recommendations that may be inappropriate for younger viewers.”<sup>208</sup>

336. Many of Meta’s other public statements materially omitted facts known to Meta regarding the true nature of its platforms. While portraying its platforms as “safe,” Meta failed to disclose the internal studies in its possession—including the numerous internal studies cited above—identifying and quantifying the harm associated with using its platform, including studies related to self-image of teens and adolescents, studies related to causing anxiety and depression among teens and adolescents, and studies related to eating disorders and the prevalence of material related to eating disorders on Meta’s platforms.

337. Even though, as described above, Meta’s algorithms utilize artificial intelligence in order to “recommend” content or connections to users—including illicit and harmful content—Meta makes benign claims in documents such as its Instagram Privacy Policy that the data it uses the data it collects “[t]o promote safety, security and integrity,” “[t]o research and innovate for social good,” or “[t]o provide measurement, analytics and business services” for individuals who

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<sup>207</sup> Adam Mosseri, “Shedding Light on How Instagram Works” INSTAGRAM (June 8, 2021), <https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works>.

<sup>208</sup> Instagram, Help Center, <https://help.instagram.com/313829416281232> (last visited Dec. 18, 2025).

“rely on our Products to run or promote their businesses.”<sup>209</sup> In reality, Meta does not use its algorithms to identify illicit content.

338. Further, Meta to this day continues to report its “prevalence” metric without disclosing the BEEF survey demonstrating the statistic materially misrepresented users’ experiences on its platforms.

339. Facebook was designed to “consume as much . . . time and conscious attention as possible.”<sup>210</sup> Since then, Meta’s founder Mark Zuckerberg has knowingly misrepresented both his understanding and intention that Facebook was constructed to create addiction. Asked in a November 2020 Congressional hearing, “do you believe your product can be addictive,” Zuckerberg responded, “we certainly do not design the product in that way.”<sup>211</sup> Yet, the year before, on April 8, 2019, Meta’s Vice President of Product, Choice and Competition, David Ginsberg, emailed Zuckerberg with a request to “address problematic use” on Facebook and Instagram because internal and external research established that “problematic use” [i.e., addiction (which affected 58% of users), social comparison (45% of users), and loneliness (43% of users)] were the “three negative drivers that occur frequently on [our platform] and impact people’s well-being.” A few months later, on August 30, 2019, still before his 2020 appearance before Congress, Facebook staff emailed Zuckerberg to prepare him for a meeting with a “leading researcher on the topic of social media and its effect on mental health and suicide amongst teens.” While his staff

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<sup>209</sup> Meta, Privacy Policy, <https://privacycenter.instagram.com/policy> (last visited Dec. 22, 2025).

<sup>210</sup> Alex Hern, *Never Get High on Your Own Supply—Why Social Media Bosses Don’t Use Social Media*, THE GUARDIAN (Jan. 23, 2018), <https://www.theguardian.com/media/2018/jan/23/never-get-high-on-your-own-supply-why-social-media-bosses-dont-use-social-media>.

<sup>211</sup> *Breaking the News: Censorship, Suppression, and the 2020 Election: Hearing Before the S. Comm. on the Jud.*, 116 Cong. (2020) (Statement of Mark Zuckerberg); see also *Facebook CEO Mark Zuckerberg on Whether Products are Addictive: “We Certainly Do Not Design the Product in that Way[.]”* THE RECOUNT, (Nov. 17, 2020), <https://therecount.com/watch/facebook-ceo-mark-zuckerberg-on/2645864077>.

voiced skepticism of the causal link, they counseled Zuckerberg to acknowledge that “we understand that Facebook can be used in problematic ways and are proactively investing in research, product improvements, and campaigns, to address these issues.”

340. In testimony to Congress in March 2021, Zuckerberg falsely denied that he made “money off of creating an addiction to [his] platforms”<sup>212</sup> and contended that he did not set “goals around increasing the amount of time that people spend” on the platform.<sup>213</sup> As laid out above, Meta has developed, implemented, and declined to rein in product features—such as autoplay, ephemeral content, infinite scroll, and notifications— that were designed to hook users, especially teenage users, on Facebook and Instagram. As laid out above, Meta has developed, implemented, and declined to rein in product features—such as autoplay, ephemeral content, infinite scroll, and notifications— that were designed to hook users, especially teenage users, on Facebook and Instagram. Upon information and belief, Meta’s “Teen Mental Health Deep Dive” research confirmed to Zuckerberg that Meta’s design was working, instilling in teenagers “an addicts’ narrative about their use” who “wish they could spend less time caring about it” but they “can’t help themselves.”

341. Contrary to his testimony, Meta—and Zuckerberg specifically—have explicitly aimed to increase the time spent on the platform, especially by teens. In a December 2015 email to Susan Li, Meta’s Chief Financial Officer, and David Wehner, the Chief Strategy Officer, Zuckerberg described his goals for 2016, including to see “[t]ime spent increase[] by 12%” within

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<sup>212</sup> *Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation: Hearings Before the H. Subcomms. on Comm’n & Tech., Consumer Prot. & Commerce, and Comm. on Energy & Com.*, 117 Cong. at 107:2491-2497 (2021) (Statement of Mark Zuckerberg), <https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf>. (last visited Dec. 18, 2025).

<sup>213</sup> *Disinformation Nation*, *supra* note 155, at 69:1551-1575

three years and, for Instagram, by 10% within five years. A Facebook presentation titled “2017 Teens Strategic Focus” described Meta’s goal, consistent with “Mark’s [decision] that the top priority for the company in 2017 is teens” to “increase U.S. teen time spent” through Instagram direct and stories.

342. Zuckerberg also deceptively portrayed Facebook as a safe space for children, despite substantial evidence of the harms to children through both the child exploitation and mental health consequences described in this Complaint. In a message he posted on October 6, 2021, Zuckerberg sought to reassure that “We care deeply about issues like safety, well-being and mental health,” at the same time that Zuckerberg was making decisions not to address harmful features on the platform like cosmetic filter or address findings on addiction, self-harm, and unwanted sexual advances to teenagers. At the 2021 Congressional hearing, Zuckerberg stated that he did not believe that Facebook harms children, explaining, “This is something that we study and we care a lot about; designing products that [sic] peoples’ well-being is very important to us.”<sup>214</sup>

343. Zuckerberg doubled down in follow-up testimony to Congress after Frances Haugen’s disclosure of Facebook documents, and a post on his Facebook page, assuring consumers that “it’s very important to me that everything we build is safe and good for kids.” He continued: “when it comes to young people's health or well-being, every negative experience matters. It is incredibly sad to think of a young person in a moment of distress who, instead of being comforted, has their experience made worse.”<sup>215</sup>

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<sup>214</sup> *Disinformation Nation*, *supra* note 155, at 175: 4166–4175.

<sup>215</sup> Salvador Rodriguez, *Zuckerberg Rejects Claims That Facebook Prioritizes Profits Over User Safety*, CNBC (Oct. 5, 2021), <https://www.cnbc.com/2021/10/05/zuckerberg-denies-that-facebook-prioritizes-profits-over-user-safety.html>. (last visited Dec. 18, 2025).

344. In order to maintain this public image, Zuckerberg and his team crafted his public comments to omit information that revealed Meta’s deficiencies in addressing child sexual exploitation on its platforms. In a May 20, 2019 email, Derick Mains, a communications staffer, briefed Zuckerberg in advance of a CSER call and provided a script for his public comments. While the background provided to Zuckerberg listed “child nudity and sexual exploitation of children, along with bullying and harassment and adult nudity and sexual activity, as ‘Areas of regression,’” Zuckerberg’s comments listed only “bullying, harassment and nudity” as issues on which “we have a ways to go,” omitting the critically important and identified deficiencies regarding child sexual exploitation.

345. Inconsistent with his public representations regarding Meta’s commitment to child safety, Zuckerberg had been specifically warned that Meta’s policies with regard to teen suicide and self-harm were inadequate and indefensible. A January 26, 2019 email thread involving Nick Clegg, Vice President of Global Affairs, and Antigone Davis began with a comment from Chris Norton:

As you know, the Sunday Times will tomorrow run a (likely) front-page story with 30 families of suicide victims accusing Instagram of killing their children. The Government will write to us to tell us we need to do more and that this is a watershed moment. In my view it is. The Instagram team have been handling and doing their best to communicate why we have the current set of policies. I understand that there is an XFN [(cross functional team)] that is looking at those policies and trying to get experts to defend us. We are defending the status quo when the status quo is clearly unacceptable to media, many impacted families, and when revealed in press, will be unacceptable to the wider public.

346. Despite having been warned that Meta’s policies with respect teen self-harm and to age limits and restrictions for content were “unenforced” and insufficient, Zuckerberg both failed to take appropriate steps to protect children from harm on the platforms, failed to publicly disclose

the risks of self-harm and suicide associated with use of Meta’s platforms, and continued to misrepresent that Meta’s platforms are “safe and good” for kids.

347. Contrary to his promised commitment to safeguard children and other users of the platforms, Zuckerberg over and over again made or approved decisions that put user engagement and Meta’s revenue ahead of its users’ health and safety. On April 14, 2017, Instagram co-founder Kevin Systrom emailed Zuckerberg to ask for more staff for “Integrity” at Instagram. Zuckerberg noted that he had committed to additional staff for integrity and promised to include “IG in this mix,” but pointed out that Facebook had “more extreme issues . . . with the [Christchurch] murder, bad activity in private groups, etc” – making clear that Meta still had not addressed critical safety issues on its legacy platform.

348. Fearing that Zuckerberg did not “understand the urgency of working on integrity related issues at IG,” Systrom reached out to colleagues to collect examples of equally dangerous issues at Instagram, which included that “46% of [users] surveyed reported experiencing bullying/harassment on IG” and that “30% [of those users] were harassed 4-10+ times”; “50% reported receiving unwanted or offensive comments”; “[t]eens delete twice the [percentage] of comments from unconnected commenters”; “25% of all deleted comments come from repeat bullies”; and “[m]any of the profiles that are ultimately disabled have not posted anything and appear to be created expressly to troll comment threads.” The list also noted that there was no detection system for self-harm and bullying and that: “recently, ‘death group’ hashtags in Russia encouraged teenagers to commit suicide. We don’t have a systematic way to discover or monitor these hashtags” except manually. “Shielded accounts” have livestreamed sex acts, but, because of their status, were “immune” to attempts to take down their posts.

349. With this backdrop, Systrom replied to Zuckerberg on April 21, 2017 to note that issues were equally bad at Instagram, where “[l]ast weekend a boy shot himself on IG live” and there were an average of three live videos a week involving “imminent danger from issues ranging from self harm to child exploitation.” His email also confirmed that celebrities had remedies available to them that were not available to average teen users. Bullying of some of Instagram’s top accounts, such as Justin Bieber, Beyonce, and Selena Gomez, got special attention or resulted in the accounts being deleted. But the typical teen user did not receive similar treatment from Instagram and, as Meta already knew, could not readily delete their accounts.

350. Likewise, Ginsberg’s April 2019 email to Zuckerberg, described above, also noted the need for additional engineering staff focused on building well-being “tools/products to address problematic use” on the platform because “[c]urrent research (internal and external) tells us that . . . there is increasing scientific evidence (particularly in the US. . .) that the average net effect of [our platforms] on people’s well-being” is “slightly negative.” The email asked for 24 additional staff to understand problematic use on Instagram and to “to build tools/products to address problematic use” on Facebook. The email warned that, without the investment, research would proceed at “a slower pace (and NO product changes).” Particularly at Instagram, Ginsberg warned that there would be no other staff to devote to the work. CFO Susan Li, presumably communicating Zuckerberg’s decision on this issue, responded to the email and rejected the requested staffing, though noting that “both Mark and Sheryl wanted to emphasize they think this is work worth doing.” Even though Facebook’s revenue was more than \$70 billion, an increase of more than \$15

billion over 2018,<sup>216</sup> Li warned that any additional staff would be hard to come by, and Mosseri responded that Instagram would not fund it either.

351. A few months later, in September 2019, the heads of Instagram and Facebook, Mosseri and Fidji Simo, respectively, emailed regarding how to address users' well-being. Mosseri recounted the history:

Early 2019, Chris Cox was looking into us doing more on [well-being], came to David Ginsberg and asked him what it would take to 10x well-being, which resulted in a plan that was reviewed with Chris Cox and Sheryl Sanberg and then was submitted to Mark as an incremental ask, maybe -10 engineering and -15 XFN. They were told to do this, but self-fund, which ended up punting given other ambiguities.

Zuckerberg, in other words, did not make additional staff available to scale up Meta's work to improve well-being. In defining the problem, they "100% agree[d]" that "the main problem is that we need to increase investment." Mosseri observed that "Well-being is the existential question we face," and contrary to Zuckerberg's representations, Meta "lack[ed] . . . a roadmap of work that demonstrates we care about well-being."

352. More than four years after Systrom initially sounded the alarm to Zuckerberg, on August 21, 2021, members of Instagram's Well-being Team sent an email to senior executives laying out the need to add staff to the "currently underinvested" but critical areas of "problematic use," as well as "bullying+harassment, connections, [and Suicide and Self-Injury (SSI)]" for teens, noting that "[t]hese topics are highly aligned with what teens want Facebook and Instagram to prioritize." On August 27, 2021, Clegg forwarded the email to Zuckerberg, endorsing the request and saying it was "increasingly urgent" to address "concerns about the impact of our products on

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<sup>216</sup> Facebook 2019 Results, [https://s21.q4cdn.com/399680738/files/doc\\_news/Facebook-Reports-Fourth-Quarter-and-Full-Year-2019-Results-2020.pdf](https://s21.q4cdn.com/399680738/files/doc_news/Facebook-Reports-Fourth-Quarter-and-Full-Year-2019-Results-2020.pdf) (last visited Dec. 18, 2025).

young people’s mental health.” Clegg explained that “we need to do more and we are being held back by a lack of investment on the product side which means that we’re not able to make changes and innovations at the pace required.” He said the company’s “wellbeing work is both understaffed and fragmented” and warned that “[w]e are not on track to succeed for our core well-being topics (problematic use, bullying & harassment, connections, and SSI).”

353. Despite Zuckerberg’s statements that he was personally committed to ensuring that Meta’s products were “safe and good for kids” and the urgency of these issues for both teens’ mental health and Meta’s public image, Zuckerberg did not respond to Clegg’s email. Three months later, on November 10, 2021, Clegg sent Zuckerberg a follow-up email with a “scaled . . . back” request on the number of staff, but urged that “this investment is important to ensure we have the product roadmaps necessary to stand behind our external narrative of well-being on our apps.” Susan Li again responded for Zuckerberg to note “constrained” staffing.

354. Instead of approving the requested staffing needed to meet Meta’s avowed commitment to teens’ well-being, upon information and belief, Zuckerberg would have been the one to have approved, if not initiated, the decision in September 2022 to disband Meta’s Responsible Innovation Team and cut at least 16 members of Instagram’s well-being group and more than 100 positions related to trust, integrity and responsibility.<sup>217</sup>

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<sup>217</sup> Jeff Horwitz, *Facebook Parent Meta Platforms Cuts Responsible Innovation Team*, WALL ST. J. (Sept. 8, 2022), <https://www.wsj.com/articles/facebook-parent-meta-platforms-cuts-responsible-innovation-team-11662658423>; Brandon Vigliarolo, *Meta Disbands Responsible Innovation Team, Spreads it out Over Facebook and Co*, THE REGISTER (Sept. 9, 2022), [https://www.theregister.com/2022/09/09/meta\\_disbands\\_responsible\\_innovation\\_team/](https://www.theregister.com/2022/09/09/meta_disbands_responsible_innovation_team/); Hayden Field, et al., *Tech Layoffs Ravage the Teams that Fight Online Misinformation and Hate Speech*, CNBC (May 26, 2023), <https://www.cnbc.com/2023/05/26/tech-companies-are-laying-off-their-ethics-and-safety-teams-.html>.

355. On October 5, 2021, Bejar emailed Zuckerberg and other senior executives regarding a “critical gap” between Meta’s public statements regarding the prevalence of harmful content on its platform and the actual experiences of users. Bejar summarized and attached the results of the BEEF survey that provided “ground-level truth” regarding the impact that Facebook and Instagram were having on its users, especially young users.

356. The email provided a dark picture of the platform’s success in addressing harmful content: 51% of Instagram users said “yes” to having had a bad or harmful experience in the last 7 days. Nearly 22% of 13–15 year olds were the targets of bullying on the platforms and 39% of 13–15 year olds experienced negative comparisons, Bejar reported. Most shocking, “24.4% of 13-15year old[s] . . . said they received unwanted advances.”

357. Bejar asked Zuckerberg: “what if policy based solutions,” grounded in publicly reported prevalence data, “only cover a single digit percentage of what is harming people?” Bejar urged Zuckerberg to prioritize and fund initiatives that would identify the content that is causing bad experiences for users, especially the most intense bad experiences, and to determine how much of that content violates Meta’s current policies – which is what drives (and, thus, what limits) the identification, removal, and reporting of illegal, negative, and dangerous content and ensures that it is not amplified through Meta’s algorithms. Zuckerberg, who Bejar stated typically responded to his emails, did not respond to him. Two years later, Meta and Zuckerberg continue to publicly disclose and rely on the prevalence of policy-violating content to promote the success of its efforts to address activity that degrades teens’ mental health and sexually exploits children, rather than devoting more (or even maintaining current) resources to understand and address this content.

358. Deposed in litigation pending in California against Meta, Bejar testified that he believed that Zuckerberg and other company leaders focused on a prevalence measure “because it created a distorted picture about the safety of Meta’s platforms.” When asked if he thought “Mr. Zuckerberg’s public statements about prevalence created a misleading picture of the harmfulness of Meta’s platforms,” Bejar testified, “I do.” Bejar made this point during his testimony, saying that each time prevalence statistics are used publicly, “they’re minimizing the harms that people are experiencing in the product.” Creating both an image and strategy built on the falsehood that children and teens were devotedly and fully protected on the platforms, Meta not only deceived the public but undermined its ability to obtain accurate information that would have better enabled it to identify, remove, and avoid amplifying features and content that harm children and teens.

359. Meta was also aware that its platforms take advantage of young users’ lack of knowledge, ability, experience, and capacity. An internal document titled “Evaluation of Instagram’s Risk Processes for Minors” highlights that “[a] 13-year old would likely not understand the design and functioning of Instagram at the point of signing on because of the length of the policies they would be required to read and the deployment of dark patterns in the sign-up process; and Instagram’s safety center is not routinely accessible to young people in their first languages.” This is in-line with public reports such as a 2024 report from the American Psychological Association which found “Platforms built for adults are not inherently suitable for youth” and that Defendants’ platforms take advantage of “biological and psychological abilities/vulnerabilities that interact with the content, functions, and features built into social media platforms.”<sup>218</sup>

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<sup>218</sup> American Psychological Association (APA), Potential Risks of Content, Features, and Functions: The Science of How Social Media Affects youth, <https://www.apa.org/topics/social-media-internet/youth-social-media-2024> (last visited Dec. 18, 2025).

## CAUSES OF ACTION

### COUNT ONE Violations of the Consumer Protection Law of 1973, 12A V.I.C. § 101 (Against All Defendants)

360. The Commissioner realleges and incorporates by reference the allegations in each of the above paragraphs as though fully set forth herein.

361. Virgin Islands Consumer Protection Law, 12A V.I.C. § 101, *et seq.* (“CPL”), prohibits “deceptive trade practices” and “unconscionable trade practices” made in connection with the sale, lease, rental, or loan of consumer goods or services. Deceptive trade practice’ means any false, falsely disparaging, or misleading oral or written statement, visual description or other representation of any kind made in connection with the sale, lease, rental, or loan of consumer goods or services, or in the extension of consumer credit or in the collection of consumer debts, which has the capacity, tendency or effect of deceiving or misleading consumers.

362. Meta does not require a monetary exchange from Virgin Island consumers in order for them to use Meta platforms, but Meta made representations about its platforms in connection with the sale of goods and services. Specifically, Meta sells advertising, and Meta increases its ad revenue by requiring consumers to agree to the use of their private data for targeted advertising. Meta collects its users’ data and then uses it to generate revenue.

363. In addition to offering, advertising, and distributing its social media platforms in the Virgin Islands, Meta receives revenue both for showing ads to Virgin Islands consumers and also for harvesting Virgin Islands consumers’ personal data, including information about their activities and interests, to target advertising and thereby increase its revenue from selling ads. Meta’s platforms also facilitate the sale of goods and services, both through advertisements that

Meta directs to Virgin Islands residents and within the Virgin Islands in exchange for a fee, and by providing space for users to offer, buy and sell merchandise (“Facebook Marketplace”). Meta charges and collects a fee when items are sold on its Marketplace, including in the Virgin Islands. Meta enables users to monetize their accounts in order to sell subscriptions or permit advertisements to be placed on their platforms. Additionally, users may receive “stars” that other users purchase from Meta and those “stars” can be monetized by the user as well.

364. The CPL provides an inclusive rather than exhaustive list of examples of deceptive and trade practices. These “include but are not limited to” the following: “representations that goods or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have;” “the use, in any oral or written representation, of exaggeration, innuendo or ambiguity as to a material fact or failure to state a material fact if such use deceives or tends to deceive;” and “stating that a consumer transaction involves consumer rights, remedies or obligations that it does not involve[.]” 12A V.I.C. § 102(a).

365. The CPL also provides an inclusive rather than exhaustive list of examples of unconscionable trade practices. These “include but are not limited to” the following: “knowledge by merchants engaged in the act or practice of the inability of consumers to receive properly anticipated benefits from the goods or services involved;” “the fact that the acts or practices may enable merchants to take advantage of the inability of consumers reasonably to protect their interests by reason of physical or mental infirmities, illiteracy or inability to understand the language of the agreement, ignorance or lack of education, or similar factors;” and “the degree to which terms of the transaction require consumers to jeopardize money or property beyond the money or property immediately at issue in the transaction[.]” 12A V.I.C. § 102(b).

366. At all times relevant herein, the Defendants violated the CPL, 12A V.I.C. § 101, *et seq.*, by committing repeated deceptive and unconscionable trade practices.

367. Defendants' conduct, as alleged in the foregoing paragraphs, violated the CPL because (1) Defendants knowingly made numerous false or misleading oral or written statements, visual descriptions, or other representations in connection with the sale of goods and services that had the capacity or tendency, or actually did, deceive or mislead any person; (2) Meta knew that its users would be exposed to known mental health harms, young users would be vulnerable to sexual exploitation and other harms described above, and consumers would be exposed to widespread fraud specifically targeted to them; and (3) Defendants knowingly engaged in, and profited from, fraudulent activity by selling advertisements it knew would (a) result in consumers not receiving the properly anticipated benefits from the goods or services involved; (b) take advantage of the inability of consumers reasonably to protect their interests due to a number of factors (and evidenced by the fact they were particularly targeted for scams, often because of having fallen for similar fraudulent ads in the past); and (c) require consumers to jeopardize money or property beyond the money or property immediately at issue in the transaction by repeatedly exposing them to targeted fraudulent advertisements.

368. By engaging in the affirmative misrepresentations and omissions described above, Defendants took advantage of consumers, advertisers', children's and parents' lack of knowledge, ability, experience or capacity in deciding when, whether, how, and how often to use Meta's platforms. Without accurate information about the consequences to young users of using its platforms, Virgin Islands' children, in particular, as well as their parents, could not make informed decisions about opening accounts on Instagram, Facebook, WhatsApp, Messenger, and Horizon

Worlds, setting up account features, supervising or being supervised on the use of the platforms, and participating in groups or accepting friend requests, among other choices. The imbalance in information, experience, ability, and capacity between Meta, a multi-billion global corporation which extensively researched the activity on and effects of its platforms, and children using its platforms, was grossly unfair, and took advantage of their inferior knowledge of Meta's products. Nor do children have the ability to assess Meta's terms of services or features or to negotiate different terms of participation.

369. In numerous instances, Defendants' public statements and communications knowingly misrepresented, directly or indirectly, expressly or by implication, that their platforms were not addictive, that they prioritized young users' well-being over profits, and that their platforms were safe for both children and consumer, while concealing and/or misrepresenting their internal knowledge that the frequency of harms and harmful material or conduct encountered by young users on their platforms, and the fraud encountered by consumers was far more pervasive than Defendants' public statements revealed.

370. Specifically, Defendants have willfully, knowingly, and repeatedly violated the CPL by engaging in multiple deceptive acts and practices that duped young users, their families, its own advertisers, consumers, and the public regarding the safety of their platforms and Meta's efforts in prioritizing well-being. Defendants engaged in misrepresentations, omissions, and/or active concealment to advertisers, news media and the general public, including Virgin Islands children, that falsely and misleadingly asserted, *inter alia*, that:

- a. Defendants would take actions to enhance the safety of their platform even at the expense of profits or losing users when, in fact, Defendants would subordinate safety decisions to other factors, including profits or competitive advantage;
- b. Users of Defendants' social media platforms did not encounter significant levels of harmful content, including content related to CSAM, including by relying on a misleading prevalence metric that Defendants had reason to know did not accurately reflect the levels of harmful content appearing on their platforms;
- c. Meta's algorithms would no longer feed teens harmful content such as content glorifying suicide, self-harm, and eating disorders;
- d. Instagram's "Teen Accounts" would implement a number of safety features that, in reality, it either completely failed to implement or did not implement as advertised;
- e. Defendants dedicated sufficient and adequate resources to policing its social media platforms (including removal of banned content and fraudulent ads/solicitations) when, in fact, internal documents confirmed that Defendants' resources were admittedly inadequate to address the vast amounts of harmful, illicit, fraudulent, and inappropriate content appearing on its platforms;
- f. Defendants reported all illicit CSAM material on their platforms to the proper authorities, including to the NCMEC, when, in fact, significant numbers of illicit CSAM material on Defendants' platforms were not reported;
- g. Defendants' social media platforms, including Facebook and Instagram, are not designed to be addictive when they are so designed;

- h. Defendants prioritized young users' well-being, when in fact Defendants repeatedly chose not to invest in well-being initiatives and deliberately decided not to implement measures they knew could reduce harms to youth;
- i. Defendants' research regarding the effect of removing or hiding public "like" counts on its content (Project Daisy) was inconclusive, when in fact the research demonstrated that such an action would have significantly improved users' well-being;
- j. Defendants' algorithms are designed to "tailor" an experience to a user, when in fact the algorithms are designed to increase usage and engagement on the Meta's platforms and are used to direct fraudsters to "targets;"
- k. Defendants collect data for benign purposes, such as "to research and innovate for social good," or "to provide measurement, analytics and business services" for third parties, or for individuals who "rely on our Products to run or promote their businesses," when in fact Defendants collect data in order to ensure users remain on their platform, in order to increase engagement with Meta's platforms at all costs, and to allow advertisers (including peddlers of fraud) to target users;
- l. Defendants' social media platforms, including Instagram, are safe for young users while concealing their internal research showing the high frequency at which young users experienced harms from their use of the platforms or viewed content or encountered activities on its platforms that Defendants had identified as harmful;
- m. Defendants' protocols for preventing use of their platforms by children under the age of 13 were adequate when, in fact, Defendants internally admitted their

measures were little more than pretext and that children readily lied about their age in order to gain access to certain features of the platforms;

- n. Defendants would notify advertisers of instances wherein their advertisements were displayed in connection with inappropriate, offensive or sexually explicit content, when, in fact, they did not make such notifications;
- o. Defendants were taking all possible steps to eradicate fraud, including fraudulent advertising, on their platforms when, in fact, they were not and in some areas even scaling back on their ability to police fraudulent advertising;
- p. Defendants' protocols for preventing fraud, and taking down fraudulent advertisements, were adequate when, in fact, Defendants internally admitted their protocols still allowed widespread fraudulent advertising to reach its users;
- q. Defendants knowingly and willingly were profiting from fraud, including fraudulent advertising, being committed against the users of their platforms, and

371. Defendants failed to disclose the harmful effects, content, and activities on its platforms, including as laid out below, which was misleading particularly in light of affirmative statements regarding the safety of their platforms:

- a. Failed to disclose the incidence and risk of addiction, depression, anxiety, sleep deprivation, eating disorders, suicide, negative self-image and dysmorphia, and other self-harms associated with use of its platforms by young users;
- b. Failed to disclose the incidence and risk of exposure to CSAM, sexually explicit and other inappropriate activity and content by young users, and the grooming, solicitation, and sexual advances of young users of its platforms;

- c. Failed to disclose that Defendants failed to adequately address the existence of sexually explicit conduct and activity and other self-harm or harmful content on its platforms and connected young users to such dangerous content and users through its algorithms;
- d. Failed to disclose that its algorithms were designed to leverage young users' dopamine responses and create an addictive cycle of engagement;
- e. Failed to disclose that its algorithms collect data in order to fuel young users' compulsive use of Meta's platforms;
- f. Failed to disclose that its algorithms will deliver harmful content to a user who clicks on such content, and failed to disclose the existence of "flywheels" or "rabbit holes" frequently caused by Meta's algorithms;
- g. Failed to disclose its knowledge that the use of its prevalence data misrepresented the scope and severity of harms to young users of its platforms;
- h. Failed to disclose its knowledge that certain features of its platforms, including, but not limited to, its algorithms, the presence of public "like" counts, the use of "infinite" or "ephemeral" content and its inclusion of image filters, had detrimental effects on the well-being of young users;
- i. Failed to disclose that Meta did not remove all banned content it encountered on its platforms;
- j. Failed to disclose that Meta knew it had, and continued to establish, user accounts for children under 13 years of age, failed to screen those accounts from inappropriate and unlawful activity and conduct, and collected and used data from those children;

- k. Failed to disclose that Meta continued features, such as likes, notifications, recommended posts, groups, and accounts, and filters, despite knowledge of the harms these features posed to young users; and
- l. Failed to disclose that Meta's procedures and tools were ineffective to prevent advertisements from being shown in connection with content that violated Meta's Community Standards;
- m. Failed to disclose that a significant portion of the company's revenue was derived from fraudulent advertisements;
- n. Failed to disclose that Meta failed to ban advertising it was reasonably confident – and at times knew – was intended to defraud its users;
- o. Failed to disclose that it deprioritized the safety of its users and consumers in favor of other company initiatives;
- p. Failed to disclose that it restricted staff from taking any action to remove fraudulent advertisements that had a material effect on revenue;
- q. Failed to disclose that it instituted an intentional policy of turning a blind eye to the vast majority of scams perpetrated on its platforms;
- r. Failed to disclose that it designed its systems in a way that was inadequate for removing fraudulent advertisements;
- s. Failed to disclose that, even with knowledge that certain advertisers had committed financial fraud against users, that Meta did not immediately ban these advertisers;
- t. Failed to disclose that it not only profited from fraudulent advertisers, but often charged them a premium for the ability to commit fraud on Meta's platforms.

372. Specifically, and incorporating the allegations above, Zuckerberg made statements or omissions that misrepresented: (i) the safety of Meta's platforms for children and consumers; (ii) Meta's knowledge of the harms to children from using its platforms, including addiction, suicide, and other self-harm and mental health consequences; (iii) Meta's decision-making to design Meta's platforms to be addictive and to increase users' time on the platforms; (iv) the frequency with which children experienced harms on Meta's platforms, and Meta's knowledge regarding the scope and severity of these harms; (v) his and Meta's commitment to make decisions to ensure the safety of children on Meta's platforms, when Zuckerberg and the company acted to disregard their safety and mental health; (vi) the adequacy and efficacy of Meta's efforts to address CSEC on its platforms and its knowledge that predatory content and activities continued to proliferate; (vii) the likelihood a user would encounter solicitations for fraud, including fraudulent advertising, on Meta's platforms; (viii) the fact Meta knowingly profits from fraud including fraudulent advertising; and (ix) his and Meta's commitment to – and the adequacy and efficacy of its efforts to – police fraud on its platforms including from fraudulent advertising.

373. These statements and omissions were made to falsely reassure young users, their parents, consumers, and the public that Meta's platforms were safe so that Meta could continue to attract, retain, and engage users and thereby increase Meta's revenues, and have prevented consumers in the Virgin Islands from taking steps to protect their health, well-being, and pocketbook.

374. These statements and omissions were deceptive and misleading in that they, *inter alia*, conveyed a false impression that Meta's platforms had characteristics and benefits that they did not; represented that Meta's platforms were of a particular standard, quality or grade that they

were not; and exaggerated, omitted, and created ambiguity as to facts that Meta recognized were material and that deceived or tended to deceive consumers.

375. Each deceptive and unconscionable practice engaged in by Defendants as recited above and throughout this Complaint constitutes a separate violation of the CPL.

376. Virgin Island consumers and youth are suffering, have suffered, and will continue to suffer unjustified substantial injury as a result of Defendants' violations of the Virgin Island's laws. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

377. Plaintiff seeks all legal and equitable relief as allowed by law.

**COUNT TWO**  
**Violations of the Consumer Fraud and Deceptive Business Practices Act,**  
**12A V.I.C. § 304**  
**(Against All Defendants)**

378. The Commissioner re-alleges all prior paragraphs of this Complaint as if fully set forth herein.

379. The Consumer Fraud and Deceptive Business Practices act (CFDBPA) prohibits "unfair methods of competition or unfair or deceptive trade acts or practices in the conduct of any trade or commerce." 12A V.I.C. § 304.

380. Defendants are engaged in the conduct of "trade" or "commerce" as defined by the CFDBPA, which includes "the advertising, offering for sale, sale, or distribution of any services and any property, tangible or intangible, real, personal or mixed, and any other article, commodity, or thing of value wherever situated." 12A V.I.C. § 303(k). Defendants advertise, offer and distribute their internet platforms within the Virgin Islands and to Virgin Island residents.

381. In addition to offering, advertising, and distributing its social media platforms in the Virgin Islands, Meta receives revenue both for showing ads to Virgin Islands consumers and also for harvesting Virgin Islands consumers' personal data, including information about their activities and interests, to target advertising, thereby increasing its revenue from selling ads. Meta's platforms also facilitate the sale of goods and services, both through advertisements that Meta directs to Virgin Islands residents and within the Virgin Islands in exchange for a fee, and by providing space for users to offer, buy and sell merchandise ("Facebook Marketplace"). Meta charges and collects a fee when items are sold on its Marketplace, including in the Virgin Islands. Meta enables users to monetize their accounts in order to sell subscriptions or permit advertisements to be placed on their platforms. Additionally, users may receive "stars" that other users purchase from Meta and those "stars" can be monetized by the user as well.

382. At all times relevant herein, the Defendants violated the CFDBPA, 12A V.I.C. § 301 *et seq.*, by engaging in unfair and deceptive acts or practices in the conduct of trade and commerce. 12A V.I.C. § 304.

383. Defendants' conduct, as alleged in the foregoing paragraphs, constitute unfair and deceptive trade practices within the meaning of the CFDBPA because (1) Defendants' actions, statements, and omissions outlined above caused, and were likely to cause, substantial injury to consumers which was not reasonably avoidable by consumers themselves and not outweighed by any countervailing benefits to consumers or to competition; and (2) Defendants made material statements, representations, omissions, and/or concealed information in a way that had the capacity, tendency and/or effect of deceiving and/or misleading consumers.

384. Defendants engaged in the unfair and deceptive methods, acts, and practices outlined above with the intent to defraud. This is evidenced by, among other things outlined above:

- a. Meta's intentional decision to continue to profit from fraud on its platforms, including fraudulent advertisements, rather than to adequately policing them;
- b. Meta's intentional decision to charge fraudsters a premium to post ads that Meta knew were likely to target users for scams;
- c. Meta's intentional decision to continue to allow known fraudsters to use its algorithms to target vulnerable users;
- d. Meta's intentional decisions to design its platforms in a way that fosters addiction and mental health harms described above including addictive-by-design features specifically targeted and tailored to exploiting, manipulating, and capitalizing young users;
- e. Meta's intentional decision to structure the content of its notifications in order to lure users to the site wherein they are likely to fall victim to numerous harms discussed above;
- f. Meta's intentional decision to structure its algorithm to foster engagement and to distribute harmful content to users, including content related to suicide, self-harm, and disordered eating, and sexually explicit content.
- g. Meta's internal documents outlined above showing clear profit motives for unfair and deceptive practices outlined above, including: failing to warn consumers of the harms present on its platforms, continuing to addict users including youth, not enforcing its under 13 age restrictions, not adequately enforcing restrictions on CSAM and

exploitative content, willingly participating in fraud perpetrated against users including by knowingly charging fraudsters a fee for the privilege of using Meta's algorithms to perpetrate fraud, and failing to adequately police fraud on its platforms.

385. By agreeing to allow Meta to collect and use their data and to receive advertising, for which Meta was paid billions of dollars, Meta's users paid a price for access to its services. In addition, Meta sold goods and services in the Virgin Islands not only by providing access to its platforms to millions of Virgin Islands consumers, but by selling paid advertising that was shown to Virgin Islands' consumers who used its platforms and offering a marketplace for selling subscription content, listing jobs, or providing other goods and services (legal and illegal). By providing a product that subjected users to fraud (including fraudulent advertising), human trafficking, CSAM, solicitation, and other sexually explicit content, and to the compulsive use, depression, anxiety, eating disorders, negative self-worth, sleep disturbance, suicide, and other harms, the products that Meta delivered had a grossly disparate value.

386. Absent Meta's unfair and deceptive, and conduct, many Virgin Islands' consumers would not have used Meta's platforms and served as the targeted audience that allowed Meta to reap windfall profits.

387. Each unfair and deceptive trade practice engaged in by Defendants as recited above and throughout this Complaint constitutes a separate violation of the Unfair Practices Act.

388. Virgin Islands' consumers and youth are suffering, have suffered, and will continue to suffer unjustified substantial injury as a result of Defendants' violations of the Virgin Islands' laws. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

389. Plaintiff seeks all legal and equitable relief as allowed by law.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Commissioner respectfully requests that the Court:

- A. Enter judgment in favor of the Commissioner in a final order against Defendants;
- B. Determine that Defendants have engaged in unfair and deceptive trade practices in violation of 12A V.I.C. §§ 101 and 304;
- C. Permanently enjoin Defendants and their affiliates, successors, transferees, assignees, and the officers, directors, partners, agents, and employees thereof under 12A V.I.C. §§ 104(d) and 328(a)(2) from engaging in any acts or practices that violate 12A V.I.C. §§ 101 and 304, including, but not limited to, the unfair, deceptive, and unconscionable trade practices alleged herein;
- D. Imposing civil penalties on each Defendant of up to \$50,000 for each violation of the CFDBPA;
- E. Enter an Order pursuant to 12A V.I.C. § 104(c) compelling Defendants to pay into the Court all monies received as a result of their violations of 12A V.I.C. § 101;
- F. Given Defendants' serious and repeated violations of the law, order Defendants to pay the maximum civil penalty under 12A V.I.C. § 328(b) for each and every violation of 12A V.I.C. § 304, respectively;
- G. Enter an Order assessing and awarding a judgment in favor of the Commissioner and against Defendants for attorneys' fees and costs and pre and post judgment interest; and
- H. Order any and all other relief this Court deems appropriate.

**The Commissioner demands a jury trial on all issues so triable.**

**Dated: December 23, 2025**

**RESPECTFULLY SUBMITTED,**

*/s/ Christopher M. Timmons, Esq.*\_\_\_\_\_

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