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REDACTED PUBLIC VERSION

**DISTRICT COURT OF SHAWNEE COUNTY, KANSAS
THIRD JUDICIAL DISTRICT**

STATE OF KANSAS, *ex rel.*
KRIS W. KOBACH,
ATTORNEY GENERAL

Plaintiff,

v.

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

Defendants.

Case No.

PETITION

COMES NOW the Plaintiff, State of Kansas, *ex rel.* Kris W. Kobach, Attorney General, by and through counsel, Frances R. Oleen, Deputy Attorney General, and for its cause of action against Defendants TikTok Inc., TikTok, LTD., TikTok PTE LTD., ByteDance LTD., and ByteDance Inc. (collectively known as “Defendants” or “TikTok”), alleges and states as follows:

1. Defendants (TikTok Inc., TikTok PTE Ltd., ByteDance Ltd., and ByteDance Inc.)¹ released a deceptive and unconscionable app and services to Kansas consumers with its launch in 2017. Defendants misrepresented its products and services as safe, age appropriate, and without harm to young Kansas users. Defendants misled Kansans. Defendants are aware that their products and services are not safe, are not age appropriate, and perpetuate significant harm to young Kansas users.

2. Defendants make the TikTok app available in Apple's App Store, and they tell Kansas consumers that TikTok is rated "12+" (for users 12 and older) because it contains only "infrequent/mild" "profanity and crude humor," "sexual content or nudity," "alcohol, tobacco, and drug use or references," and "mature/suggestive themes." These representations are false. TikTok hosts a vast library of videos with profanity, sex, illegal drugs, and other content parents would not expect to find on a "12+" app. Such content is visible and even recommended to users that TikTok knows to be as young as 13 years old.

3. This action seeks to protect consumers', young users', and parents' consumer protection rights against a foreign entity taking advantage of Kansans.

PARTIES

4. Plaintiff is the State of Kansas, *ex rel.* Kris W. Kobach, Attorney General. Under K.S.A. §§ 50-632, 50-636, the State may seek civil enforcement of the Kansas Consumer Protection Act ("KCPA").

5. Defendant TikTok Inc. is a for-profit entity incorporated in the State of California, which operates a social media application and platform known as "TikTok." TikTok Inc. is headquartered at 5800 Bristol Pkwy, Culver City, CA, 90230-6696.

¹ Defendants are referred to collectively as "Defendants" or "TikTok" throughout this petition. The word "TikTok" is used to refer both to the Defendant entities and to the TikTok platform.

6. Defendant TikTok Ltd. is incorporated in the Cayman Islands and wholly owned by ByteDance Ltd. TikTok Ltd. is the parent company of wholly owned U.S. subsidiaries TikTok Inc. and TikTok Pte. Ltd. TikTok Ltd. is listed in the App Store as the “Developer” of the TikTok App.

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

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

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

10. There is no separation between and among the ByteDance and TikTok Defendant entities. ByteDance Ltd. exercises functional control over TikTok Inc., TikTok, Ltd., TikTok Ptd. Ltd., and ByteDance Inc., which are its alter egos. ByteDance, Ltd. controls those other

entities' employees, and it plays a key role in the hiring of personnel at all these entities.² The TikTok algorithm was created by ByteDance Ltd., and still belongs to ByteDance Ltd.³ High-level ByteDance employees serve in dual roles for ByteDance and TikTok.^{4,5}

JURISDICTION AND VENUE

11. Venue is proper under K.S.A. § 50-638(b).

12. This Court has subject matter jurisdiction over this matter under K.S.A. § 50-638, and the common law of the State of Kansas.

13. This Court has personal jurisdiction over the Defendants under K.S.A. § 50-638(a) and the common law of the State of Kansas.

14. Defendants operate a social media application and platform that they have purposefully directed to operate in the State of Kansas. The TikTok app and services have been downloaded, installed, or engaged with by devices located in Kansas at least hundreds of thousands of times. Defendants engage in consumer transactions in Kansas when they actively and purposefully serve content to and collect data from those devices and accounts located in Kansas.

² E. Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots*, FORBES (Sept. 21, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/09/21/tiktok-bleeding-us-execs-china-control-bytedance/> (last accessed Mar. 4, 2024); E. Baker-White, *A China-Based ByteDance Team Investigated TikTok's Global Security Chief, Who Oversaw U.S. Data Concerns*, FORBES (Oct. 25, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/10/25/bytedance-tiktok-investigation-global-chief-security-officer-roland-cloutier/> (last accessed Mar. 4, 2024); E. Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots*, FORBES (Sept. 21, 2022), <https://bit.ly/3XTSnNF>; S. Rodriguez, *TikTok insiders say social media company is tightly controlled by Chinese parent ByteDance*, CNBC (June 25, 2021), <https://www.cnbc.com/2021/06/25/tiktok-insiders-say-chinese-parent-bytedance-in-control.html> (last accessed Mar. 4, 2024).

³ June 2022 Letter to U.S. Senators at 4; Z. Xin and T. Qu, *TikTok's algorithm not for sale, ByteDance tells US*, SOUTH CHINA MORNING POST (Sept. 13, 2020), <https://www.scmp.com/economy/china-economy/article/3101362/tiktoks-algorithm-not-sale-bytedance-tells-us-source> (last accessed Mar. 4, 2024).

⁴ Pappas Decl. ¶ 1, Doc. 15-3, *TikTok Inc. v. Trump*, No. 20- cv-02658 (D.D.C. Sept. 23, 2020); Cloutier Decl. ¶ 1-2, Doc. 15-2, *TikTok Inc. v. Trump*, No. 20-cv-02658 (D.D.C. Sept. 23, 2020).

⁵ *TikTok Names CEO and COO*, TIKTOK (Apr. 30, 2021), <https://bit.ly/3OVyvWh>; R. Mac and C. Che, *TikTok's CEO Navigates the Limits of His Power*, N.Y. TIMES (Sept. 16, 2020), <https://www.nytimes.com/2022/09/16/technology/tiktok-ceo-shou-zi-chew.html> (last accessed Mar. 4, 2024).

15. Defendants use data collected from Kansas users, including location-based data, to deliver user-generated and TikTok-sponsored content to users in Kansas. For example, if a user's location reveals he or she is in Kansas, it may suggest content about Kansas Jayhawks basketball based upon the user's location.

16. TikTok also serves users in Kansas location-specific advertisements. For example, based on a consumer's location in Kansas, a TikTok user might see an advertisement for a local florist.

17. TikTok compensates users in Kansas for content that they create and post on the TikTok platform.⁶

18. Defendants require all Kansas users to enter into a Terms of Service contract with TikTok prior to use of its products or services. The contract is supported by consideration: users gain access to the TikTok app and platform, and in consideration for that benefit, they “acknowledge and agree that [TikTok] may generate revenues, increase goodwill or otherwise increase [its] value from your use of the [TikTok] Services,” among other things.⁷ The Terms of Service contracts explicitly allow TikTok to collect and use Kansans' geographic information: Kansas users grant TikTok contractual permission to “automatically collect certain information,” including “your IP address” and “geolocation-related data,” and TikTok informs users that it may link them with their offline activity, like where a user shops in-person.⁸

19. TikTok allows users to buy monetary “gifts,” which they can send to other users. A user can send a gift to a creator's video on TikTok to support their content. To send a gift, a

⁶ *Creator Fund*, TIKTOK (last visited Aug. 18, 2023), <https://www.tiktok.com/creators/creator-portal/en-us/getting-paid-to-create/creator-fund/> (last accessed Mar. 4, 2024).

⁷ *Terms of Service*, TIKTOK, <https://www.tiktok.com/legal/page/us/terms-of-service/en> (last accessed Mar. 4, 2024).

⁸ *Privacy Policy*, TIKTOK, <https://www.tiktok.com/legal/page/us/privacy-policy/en> (last accessed Mar. 4, 2024) (note that the Terms of Service incorporate the Privacy Policy).

user must purchase “coins.” The value in coins of this gift will be deducted from the user’s account balance. This is a popular feature on TikTok Live videos.

20. TikTokShop also allows users to shop for and purchase items inside the TikTok app. Those items will be shipped to the user, including users within Kansas. TikTok fulfills some of the orders directly.

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

NATURE OF THE CASE

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

23. In exchange for this download, TikTok is allowed access to certain information about the user such as age, date of birth, gender, geolocation information, viewing data/history, email or cellphone number, and social media information.

24. When someone registers to use TikTok, the user must provide their date of birth. A user can only access the regular TikTok platform if the birth date provided indicates that the user is 13 years old or older. This means that TikTok knows which users have told TikTok they are 17 years old or younger.

25. However, TikTok also knows that many minor users report their age as 18+ when registering to use TikTok.

26. There are two primary methods for a user to view content in TikTok: (1) through the “For You Feed,” and (2) through the search feature.

27. When opening the app, TikTok automatically guides the user to the “For You Feed,” which is an addictive, never-ending stream of videos personalized for the user by TikTok’s algorithm.

28. TikTok users can also search for content on TikTok using keywords and hashtags. TikTok will autocomplete a user’s searches to suggest certain search terms.

29. TikTok’s “Live” feature allows users to broadcast live videos to other users. [REDACTED]
[REDACTED] TikTok promotes some Live content through a feature called “TopLives,” which recommends Live video content to users. Young users can view a broad spectrum of unfiltered and unmonitored activity through Live videos.

30. TikTok publishes “Community Guidelines,” a set of rules for what content users are allowed to post on TikTok. [REDACTED]
[REDACTED]
[REDACTED]

COMMUNITY GUIDELINES

31. Currently, TikTok’s Community Guidelines inform users about what content TikTok permits. TikTok says the Community Guidelines “apply to everyone and everything on TikTok.”⁹ TikTok says, “We will remove any content—including video, audio, livestream,

⁹ *Community Guidelines*, Overview, TIKTOK, <https://www.tiktok.com/community-guidelines/en/overview/> (last accessed Mar. 4, 2024).

images, comments, likes, or other text—that violates our Community Guidelines.”¹⁰

Specifically:

- The Community Guidelines say: “We do not allow the depiction, promotion, or trade of drugs or other controlled substances.”
- The Community Guidelines instruct users to “not post, upload stream, or share” “[c]ontent that depicts or promotes drugs, drug consumption, or encourages others to make, use, or trade drugs or other controlled substances” or “[c]ontent that depicts or promotes the misuse of legal substances, or instruction on how to make homemade substances, in an effort to become intoxicated.”
- The Community Guidelines say: “We do not allow nudity, including uncovered genitals and buttocks, as well as nipples and areolas of women and girls,” “[w]e do not allow content that may put young people at risk of exploitation, or psychological, physical, or developmental harm,” and “[w]e do not allow seductive performances or allusions to sexual activity by young people, or the use . . . by anyone” of “sexually explicit narratives, such as vivid description of sexual acts.”¹¹
- “Seductive performances by adults,” “[s]exualized posing by adults,” and “[a]llusions to sexual activity by adults” are allowed, but TikTok claims to restrict such content to those 18 years and older.

32. In March 2023, TikTok updated its Community Guidelines, but they remain misleading and deceptive to Kansas consumers. In the updated Community Guidelines, TikTok says its “content moderation is built on four pillars,” which include “[r]emove violative content from the platform that breaks our rules” and “[a]ge-restrict mature content so it is only viewed by adults (18 years and older).”¹² Specifically:

- “We do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs,” and “[w]e do not allow showing or promoting young people possessing or consuming alcohol, tobacco products, and drugs.”¹³

¹⁰ *Id.*

¹¹ *Community Guidelines*, Sensitive and Mature Themes, TIKTOK, <https://www.tiktok.com/community-guidelines/en/sensitive-mature-themes/> (last accessed Mar. 4, 2024).

¹² *Community Guidelines*, Overview, TIKTOK, <https://www.tiktok.com/community-guidelines/en/> (last access Mar. 4, 2024).

¹³ *Community Guidelines*, Regulated Goods and Commercial Activities, TIKTOK, <https://www.tiktok.com/community-guidelines/en/regulated-commercial-activities/> (last access Mar. 4, 2024).

- “We do not allow sexual activity or services,” including “sex, sexual arousal, fetish and kink behavior, and seeking or offering sexual services.”¹⁴ Also “[n]ot allowed” are “sexual chats, imagery, and pornography” and “[s]exual services, including offering or asking for sexual services (solicitation), sexual chats, imagery, pornography, member exclusive content, and streaming of adult content through a webcam.”¹⁵ The only content noted as specifically “[a]llowed” “Sexual Activity and Services” is “[r]eproductive health and sex education content, such as the use of birth control and abortion discussed in an [*sic*] medical way.”¹⁶
- “Seductive performances,” “[s]exualized posing,” and “[a]llusions to sexual activity” by adults are allowed, but TikTok claims to restrict such content to those 18 years and older. And TikTok claims that “[c]ontent is age-restricted if it shows significant body exposure of an adult,” where “significant body exposure” includes “uncovered genitals and buttocks, as well as nipples and areolas of women and girls.”¹⁷

33. The Community Guidelines are deceptive, misleading, and unconscionable because they mislead users into believing this content is not available on TikTok. Yet the Community Guidelines do not warn users and parents that Defendants do not and cannot fully enforce them, and the Community Guidelines further fail to warn users and parents about the intensity or frequency of mature and vulgar content on TikTok.

34. Specifically regarding profanity, the Community Guidelines did not mention profanity at all until March 2023, when TikTok added that “[s]exually explicit narratives in some artistic creations, such as song lyrics” are allowed on TikTok. Even this addition is inadequate because, in fact, TikTok exempts song lyrics *entirely* from the Community Guidelines’ coverage.

¹⁴ *Community Guidelines*, Sensitive and Mature Themes, TIKTOK, <https://www.tiktok.com/community-guidelines/en/sensitive-mature-themes/> (last accessed Mar. 4, 2024).

¹⁵ *Community Guidelines*, Regulated Goods and Commercial Activities, Trade of Regulated Goods and Services, TIKTOK, <https://www.tiktok.com/community-guidelines/en/regulated-commercial-activities/> (last access Mar. 4, 2024).

¹⁶ *Id.*

¹⁷ *Community Guidelines*, Nudity and Body Exposure, TIKTOK, <https://www.tiktok.com/community-guidelines/en/sensitive-mature-themes/#2> (last accessed Mar. 4, 2024).

TIKTOK'S MISREPRESENTATIONS IN APPLE'S APP STORE

35. Apps that appear in the Apple App Store receive one of the following four age ratings: 4+, 9+, 12+, or 17+.

36. Corporations and developers who wish to offer or sell their mobile applications to consumers in the Apple App Store must answer an age-rating questionnaire when they submit their app to be included in the store.

37. The answers that an app developer provides on this questionnaire determine which age rating the developer's app will receive.

38. Apple says that apps that host user-generated content (like TikTok) "should share the age rating of the highest age rated creator content available in the app."¹⁸ App Store Review Guidelines. Apple alerts developers to the reality that "[w]e have lots of kids downloading lots of apps," and that app developers like Defendants "have to do your part" to keep kids safe. Apple also tells developers to "[a]nswer the age rating questions in App Store Connect honestly so that your app aligns properly with parental controls."¹⁹ "If your app is mis-rated, customers might be surprised by what they get, or it could trigger an inquiry from government regulators."²⁰ "[Y]ou are responsible for complying with local requirements in each territory where your app is available."²¹

39. Apple's age-rating questionnaire asks Defendants to self-select the answer "none," "infrequent/mild," or "frequent/intense" to describe the content available on the TikTok app in each of these categories: "Alcohol, Tobacco or Drug Use or References," "Sexual Content

¹⁸ *App Store Review Guidelines*, APPLE, <https://developer.apple.com/app-store/review/guidelines> (last accessed Mar. 4, 2024).

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

or Nudity,” “Mature/Suggestive Themes,” and “Profanity or Crude Humor.” Based on the self-selected answers to these questions, Apple suggests an age-rating. Apple also offers every app developer (including Defendants) the option to self-select a higher age rating than the one Apple suggests.

40. In each of the categories just listed, TikTok self-selects the answer “infrequent/mild.” By doing so, TikTok chooses to have the following statements displayed on its page in the App Store:

“Infrequent/Mild Profanity or Crude Humor”

“Infrequent/Mild Mature/Suggestive Themes”

“Infrequent/Mild Sexual Content and Nudity”

“Infrequent/Mild Alcohol, Tobacco, or Drug Use or References”

41. Defendants’ questionnaire responses cause Apple to recommend a 12+ rating to TikTok. Apple defines apps with the “12+” age rating as apps that “may contain infrequent or mild references to alcohol, tobacco, or drug use, infrequent or mild sexual content or nudity, and frequent or intense profanity or crude humor, which may not be suitable for children under the age of 12.”

42. TikTok chooses to rate its app “12+.” Based on questionnaire responses, Apple may recommend a certain rating, but the app developer ultimately decides their own rating based on how they would like to market their app to the public. For example, Apple may suggest a 12+ rating to an app developer, but that developer is free to instead choose a 17+ age rating.

Accordingly, TikTok’s 12+ rating is ultimately its own choice and one it proudly boasts. In fact, TikTok boasts that they have given themselves a 12+ rating: [REDACTED]

[REDACTED]

[REDACTED]

43. The next-higher (and highest) age rating is “17+.” Apple offers Defendants the option to choose a “17+” age rating, but Defendants have never done so. Apple defines apps with the “17+” age rating as apps that “may contain stances of the following content that may not be suitable for children under the age of 17: Unrestricted web access, such as with an embedded browser[,] [...] Frequent or intense mature or suggestive content[,] [...] Frequent or intense references to alcohol, tobacco, or drug use[,] Frequent or intense sexual content or nudity[,] and Frequent or intense realistic violence[.]”²²

[REDACTED]

[REDACTED]

²² *Age ratings*, APPLE, <https://developer.apple.com/help/app-store-connect/reference/age-ratings/> (last accessed Mar. 4, 2024).

46. Yet even after making content-filtering changes to the platform, Defendants continue to improperly claim a “12+” rating for the TikTok app. That rating remains improper because TikTok still contains violative content that is neither infrequent or mild such as: profanity or crude humor; alcohol, tobacco, and drug use or references; sexual content or nudity; and mature/suggestive themes. Videos containing these kinds of content receive millions—even hundreds of millions—of views on TikTok.

47. [REDACTED]

TIKTOK’S DECEPTION IN GOOGLE PLAY AND MICROSOFT STORES

48. Defendants also make the TikTok app available in the Google Play and Microsoft Stores. To do so, TikTok is required to answer age-rating questions by self-reporting details about the content and features available on TikTok. Defendants respond to these age-rating questions in a way that allows them to claim a “T for Teen” age rating for TikTok. TikTok knows and intends that Google and Microsoft will convey the “T” for “Teen” age rating to consumers on TikTok’s behalf. A “T” for “Teen” rating is defined as: “Content is generally suitable for ages 13 and up. May contain violence, suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.” By contrast, an “M” for

“Mature” rating is defined as: “Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.”²³

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

TIKTOK’S FAILED MODERATION ATTEMPTS

50. TikTok uses content moderators to detect and remove content from its platform that violate its policies.

51. However, these efforts fall short and do not cause (1) alcohol, tobacco, and drug use or references, (2) sexual content and nudity, (3) mature/suggestive themes, or (4) profanity and crude humor to be “infrequent/mild” on the platform.

52. There are two reasons why TikTok’s content moderators fail at removing violative content from the platform: irreconcilable moderation policies and leakage.

53. An example of TikTok’s age-rating representations not matching their moderation policies is the use of profanity on the app.

54. TikTok’s content moderation policies do not attempt to make profanity infrequent or mild on TikTok. In fact, [REDACTED]

²³ *Content ratings for apps and games*, Google Play, <https://support.google.com/googleplay/android-developer/answer/9859655?hl=en> (last visited Mar. 5, 2024).

[REDACTED]

55. TikTok exempts profanity—no matter how extreme—from its content restrictions if it appears in song lyrics. TikTok offers this language to users in its music library, which users can use to create and post their own videos. Many TikTok videos set to extremely profane language have hundreds of millions of views.

56. TikTok considers the use of profanity in song lyrics to be a mitigating factor that justifies exempting song lyrics from otherwise applicable content moderation rules. For example, a TikTok representative testified during a deposition that TikTok does not attempt to prevent its youngest users from accessing videos with songs that include lyrics such as the following: “I just want you to fuck me to sleep. Fuck me so good;” “I want my cheeks clapped daddy. Clap’em. So lay me down while I arch that ass back back. I need that good pipe daddy.”

57. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

58. Additionally, content glorifying tobacco and drug use is allowed on TikTok, including videos of individuals consuming tobacco products and encouraging others to use drugs, and promoting tobacco and drug vaping. TikTok tells its content moderators to leave such content on the platform even though its public representations to Kansas consumers imply that such content will be removed.

59. [Redacted]

(Lark is an enterprise collaboration platform developed by ByteDance and used by TikTok).

60. [Redacted]

61. [Redacted]

62. [Redacted]

[REDACTED]

63. Even when TikTok’s content moderation policies call for the removal of mature content, there are high levels of leakage.

64. [REDACTED]

65. An example of the leakage that TikTok moderators fail to control is the mature and suggestive themes available on TikTok.

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

67. [REDACTED]

68. Suicide, self-harm, and eating disorder content is readily available on TikTok and a known problem for the moderators. For example, while the hashtag “#anorexic” does not return

search results, videos about eating disorders are available under the misspelled hashtag “#anotexic.”

69. Leakage is also prominent with sexualized material on TikTok.

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

72. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *Id.*

73. Lastly, TikTok is unable to monitor links to external websites posted in user profiles, user chats, video captions, and video comments. Prior to changes in the app, TikTok contained an in-app browser that allowed users to click on a link, view an external website without exiting TikTok, and have unrestricted access to violative content. In the past, users have

been able to use this feature to link to a search engine, then search for and view hard core pornography—all without leaving the TikTok app. Young users could use this feature to access hardcore pornography through TikTok even if parental controls were enabled on their device and would otherwise have prevented the user from accessing this content on an ordinary web browser. TikTok boasts of their content moderation policy, but fails to inform users and parents that their efforts fall far short of what reasonable consumers would expect based upon TikTok’s public representations.

RESTRICTED MODE AND FAMILY PAIRING

74. TikTok offers “Restricted Mode” as a parental control feature to Kansas consumers:

If you’d like to limit content more quickly with a broader brush stroke, you can enable Restricted Mode. Restricted Mode is an option at the account settings level that limits the appearance of content that may not be appropriate for all audiences. Restricted Mode can always be turned off, so if you find yourself missing videos you want to see, you can switch it back whenever you’d like. Restricted Mode is also one of the features that a parent or caregiver can turn on when Family Pairing is enabled.²⁴

75. TikTok currently tells users that “[y]ou shouldn’t see mature or complex themes” on TikTok with Restricted Mode enabled, including “[p]rofanity, [s]exually suggestive content, [r]ealistic violence or threatening imagery, [f]irearms or weapons in an environment that isn’t appropriate, [i]llegal or controlled substances/drugs, [and] [e]xplicit references to mature or complex themes that may reflect personal experiences or real-world events that are intended for older audiences.”²⁵

76. In fact, mature content is readily available when Restricted Mode is enabled.

²⁴ *Content Controls*, TIKTOK, <https://www.tiktok.com/safety/en/content-controls/> (last accessed Mar. 4, 2024).

²⁵ *Restricted Mode, What Is Restricted Mode on TikTok?*, TIKTOK, <https://support.tiktok.com/en/safety-hc/account-and-user-safety/restricted-mode> (last accessed Mar. 4, 2024).

77. Restricted Mode does not work and has never worked as TikTok claims.

Restricted Mode fails to meet user expectations by allowing mature content to filter through to users. When Restricted Mode is enabled, users can see mature content (sexual content, nudity, mature and suggestive themes, profanity, and content related to alcohol, tobacco and drugs) on TikTok, including content served in the algorithmically-driven For You Feed where users have not requested it.

78. [REDACTED]

[REDACTED]

79. TikTok offers another deficient and ineffective parental control, called “Family Pairing.”

80. Family Pairing was designed to limit daily screen time, enable Restricted Mode, prevent their teen from searching for hashtags or videos, set the child’s account to ‘Private,’ suggest accounts, limit direct messages to their child, limit who can comment on their child’s video, and limit who can see their child’s “liked” videos.²⁶

²⁶ *User safety, What is Family Pairing?*, TIKTOK, <https://support.tiktok.com/en/safety-hc/account-and-user-safety/user-safety> (last accessed Mar. 4, 2024).

81. The only content-based restriction available in Family Pairing for years was Restricted Mode, which, as noted above, does not work. Further, parents cannot restrict their teens' ability to view Livestreams.

82. Family Pairing is only available on the TikTok mobile app, not on a mobile or desktop browser. In order for the feature to work, parents must download the TikTok mobile app for themselves, create accounts, and then set up Family Pairing.

83. Family Pairing is difficult to use, rarely used, full of holes, and easy to circumvent. For example, teens can easily evade Family Pairing by logging out of their accounts, switching accounts, or just disabling the feature themselves.

84. The ease of deactivating the Family Pairing feature makes it ineffective for parents to meaningfully limit content and usage for their child.

85. TikTok touts Restricted Mode and Family Pairing as safety features and fails to warn parents that neither meaningfully restricts the visibility of mature content on TikTok.

TIKTOK'S DECEPTION TOWARD KANSAS PARENTS

86. Defendants' misrepresentations—the age ratings and associated statements, the Community Guidelines, and Defendants' statements about Restricted Mode—and Defendants' related omissions are material to the decisions that parents and other consumers make about whether to use the TikTok app and how. TikTok knows that parents care about age ratings and the representations made in the app store. Just as a parent might determine which movies are appropriate for their children based on the "rating" a movie receives (G, PG, PG-13, or R), so too do parents check the age rating of apps before allowing their children to download and use them. Kansas parents supervise their children's devices to see which apps their children are

downloading, or they can use parental controls to prevent their children from downloading apps with particular age ratings.

87. For example, a parent may use parental controls on a 13-year-old's iPhone to automatically prevent the 13-year-old child from downloading any app with a 17+ age rating. Parents also read information about apps before allowing their children to download them, and they research apps' parental control features.

88. TikTok's misleading age ratings and the other deceptive statements identified throughout this petition seek to prevent parents who are unfamiliar with the content on TikTok from developing such concerns.

89. Additionally, TikTok fails to warn parents about the purposefully addictive nature of the app.

TIKTOK'S HARMS TO CHILDREN

A. Addiction

90. TikTok intentionally designs its app to be addictive to minors, is aware that minors in fact become addicted to its app, and yet fails to inform minors and their parents about the app's addictive qualities. This is deceptive and unconscionable.

91. TikTok's profit-generating business model is based on selling advertising to maximize app engagement.

92. As a result, TikTok has intentionally designed its product experience to pander to minor and adult users' dopamine reward systems, tethering them to the app, where they will be shown more advertisements, which increases TikTok's revenue and profits.

93. TikTok's product features such as infinite scroll and notifications encouraging users to open the app, are purposefully designed to keep users on the app for as long as possible.

An internal TikTok document acknowledges that TikTok uses [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

94. TikTok knows that minors are less able than adults to self-regulate their use of the TikTok app in light of these coercive and manipulative design features.

95. TikTok exploits these tendencies of minors through its algorithm and other features, as it recommends a never-ending stream of content to users. TikTok also fails, for example, to turn off “push notifications” to minors during school hours, providing a constant distraction and drawing them back to the app.

96. TikTok also knows that these coercive tactics work. According to the Pew Research Center, about 67% of teens are using TikTok and 16% of them use it “almost constantly.”²⁷

97. According to data compiled by parental control app Qustodio, the amount of time children spend on TikTok continues to rise, reaching an average of 120 minutes daily in the U.S. in 2023.²⁸

²⁷ Emily A. Vogels, et al., *Teens, Social Media and Technology 2022*, PEW RSCH. CTR. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/> (last accessed Mar. 4, 2024).

²⁸ *Born connected: The rise of the AI generation*, QUSTODIO (Jan. 24, 2024), <https://www.qustodio.com/en/born-connected-rise-of-the-ai-generation/> (last accessed Mar. 4, 2024) (Qustodio is an online safety and digital wellbeing platform focused on assisting families and schools with navigating digital life safely).

98. In addition to those features described above, TikTok employs numerous additional tactics to keep users hooked and returning to the app—some of which inherently cause additional harm, particularly to teens.

99. TikTok has added an “autoscroll” feature that it began testing in 2023 and recently made available to more users, permitting users to passively consume content without having to lift a finger.²⁹

100. TikTok offers users ephemeral or disappearing content that taps into users’—particularly teen users’—fear of missing out and lures them back to the app, including features like “Stories” and “Live”. TikTok’s “Stories” feature “allows you to share videos up to 15 seconds on your profile that disappears after 24 hours.”³⁰ Similarly, livestreams are available only as long as the livestream lasts. If teens do not open the app to watch their favorite creators’ streams, they will miss the content altogether.

101. TikTok displays quantitative statistics showing the interactions a piece of content is able to achieve, including “like”, “comment”, “share” and “view” counts, which encourage social comparison and competition and preying on younger users’ fear of missing out on content.

102. TikTok also makes it difficult to delete the app. TikTok requires users to navigate multiple screens, repeatedly offering as a first option the choice to deactivate their account instead, asking them their reason for deleting, reminding them what they will not be able to do once they delete, requiring them to enter their password, and asking them to re-confirm their

²⁹ Thomas Germain, TikTok AutoScroll Means You Don’t Even Have to Move Your Lazy Fingers Anymore, GIZMODO (Jan. 22, 2024), <https://gizmodo.com/tiktok-autoscroll-means-dont-move-lazy-fingers-anymore-1851186261> (last accessed Mar. 4, 2024); Lauren Forristal, How to activate auto scroll on TikTok, TECHCRUNCH (Jan. 20, 2024) <https://techcrunch.com/2024/01/20/how-to-activate-auto-scroll-on-tiktok/> (last accessed Mar. 4, 2024).

³⁰ *TikTok Stories: What It Is and How to Use It*, TIKTOK, <https://www.tiktok.com/creators/creator-portal/en-us/tiktok-content-strategy/tiktok-stories-what-it-is-and-how-to-use-it/> (last accessed Mar. 4, 2024).

desire to delete. All of these steps are designed to make users rethink their decision to delete and instead keep the TikTok app.

B. Mental Health

103. TikTok’s addictive features have created or exacerbated a mental health crisis among young users in Kansas.

104. For example, one 2019 study of 6,500 American adolescents ranging in age from 12 to 15 years old found that those who used social media for 3 or more hours each day were more likely to suffer from mental health problems such as anxiety and depression, and this association was significant even after accounting for demographics, past alcohol and marijuana use, and any history of mental health problems.³¹ Even less time spent on TikTok is likely harmful.

105. TikTok claims in their Community Guidelines that they feature three sub-sections in regards to mental health: suicide and self-harm; disordered eating and body image; and dangerous activities and challenges.³²

106. TikTok purports to “not allow showing, promoting, or sharing plans for suicide or self-harm; showing or promoting disordered eating or any dangerous weight loss behaviors; or showing or promoting dangerous activities and challenges.”³³

107. [REDACTED]

³¹ Jacqueline Nesi & Mitchell J. Prinstein, *Using Social Media for Social Comparison and Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms*, 43 J. ABNORMAL CHILD PSYCH. 1427–38 (Nov. 2015), <https://bit.ly/3qW6FSz>.

³² *Community Guidelines*, Mental and Behavioral Health, TIKTOK (Mar. 2023) <https://www.tiktok.com/community-guidelines/en/mental-behavioral-health/> (last accessed Mar. 4, 2024).

³³ *Id.*

[REDACTED]

108. However, TikTok offers and promotes the use of “effects” and “filters” to encourage more content creation and engagement, including beautifying filters. These types of filters are known to induce users to have a negative body image, which can cause severe mental health issues, body dysmorphia, and eating disorders.

109. These features are in direct contrast to TikTok’s claims that they value the mental health and safety of young users.

110. Public reporting has also demonstrated that TikTok’s algorithm pushes users into filter bubbles of content about eating disorders, depression, drugs, and sex.³⁴

111. Filter bubbles are a known harm to TikTok’s users, especially young users, who are least able to resist the addictive qualities of the TikTok app. A filter bubble can lead to hours of continuous content that may be harmful to users.

112. For example, a depressive filter bubble can cause or promote depression in a user; an eating disorder filter bubble can cause or promote an eating disorder in a user; and drug- and sex-related filter bubbles can promote dangerous behaviors and connect kids to online predators. Filter bubbles can occur for any and all types of content but are particularly damaging to young users when they concern mature or suggestive themes, which can be psychologically harmful.

113. [REDACTED]

[REDACTED]

[REDACTED]

³⁴ See, e.g., Julie Jargon, TikTok Feeds Teens a Diet of Darkness, WALL ST. J. (May 13, 2023), <https://www.wsj.com/articles/tiktok-feeds-teens-a-diet-of-darkness-8f350507> (last accessed Mar. 4, 2024); WSJ Staff, Inside TikTok’s Algorithm: A WSJ Video Investigation, WALL ST. J. (July 21, 2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477> (last accessed Mar. 4, 2024).

114. Rates of depression, self-harm, and suicide have risen dramatically among teens in recent years.

115. Between 2005 and 2021, the percentage of Kansas high school students who reported feeling sad or hopeless for “[a]lmost every day for 2 or more weeks in a row” rose from 21.4% to 37.7%, with the most significant rise occurring from 2017 to 2021 (24.8% to 37.7%).³⁵ Girls were significantly more affected (47.7%) compared to boys (26.9%).³⁶ Similarly according to the Kansas Communities that Care Survey, high school students in Kansas showed an increase in feelings of depression from just over 25% in 2016 to more than 38% in 2022, with 2023 showing only a slight decrease to 34.6%.³⁷ Kansas’s youth suicide rate (ages 15-24) was more than 21% from 2016-2020, representing a 63.8% increase from the 2001-2005 period.³⁸ The number of suicides by early adolescents (ages 10-14) also tripled from 12 in the 2001-2005 period to 36 in the 2016-2020 period.

116. Experts who study the effects of social media platforms (including TikTok), on teens report many dangers, including: (a) social comparison (when everyone else’s life or body looks better online); (b) displacement (social media replacing sleep, exercise, and real

³⁵ 1991-2021 High School Youth Risk Behavior Survey Data, High School Students Who Felt Sad Or Hopeless – Kansas, CTRS. FOR DISEASE CONTROL AND PREVENTION (CDC), <https://yrbs-explorer.services.cdc.gov/#/graphs?questionCode=H25&topicCode=C01&location=KS&year=2021> (last accessed Mar. 4, 2024).

³⁶ *Id.*

³⁷ Rafael Garcia, *Survey finds nearly two in five Kansas teenagers reporting feelings of depression*, THE TOPEKA CAPITAL-JOURNAL (May 16, 2021) <https://www.cjonline.com/story/news/education/2021/05/16/kansas-teenagers-seeing-high-rates-depression-suicidal-thoughts-mental-health-awareness/7355622002/> (last accessed Mar. 4, 2024); *Kansas Communities That Care Student Survey*, SOUTHEAST KANSAS EDUC. SERV. CTR. (2022-23), <https://results.kctcdata.org/Manage/PreDefinedReportsList?countyId=30120-0&surveyType=KCTC&codeselection=CTY&categoryId=17> (last accessed Mar. 4, 2024).

³⁸ Wyatt J. Beckman, Kaci Cink, et al., *Suicide Among Adolescents and Youth in Kansas*, KANSAS HEALTH INST. (Dec. 22, 2022) <https://www.khi.org/articles/suicide-among-adolescents-and-youths-in-kansas/> (last accessed Mar. 4, 2024).

interaction); (c) social isolation; (d) increases in depression and anxiety; and (e) disordered eating behaviors. These effects disproportionately affect girls, but are still problematic for boys. Further, “[m]ost of the large studies show that heavy users of social media are about twice as likely to be depressed as light users.”³⁹

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

118. Kansas’s youth suffer from a high degree of distraction, depression, and other mental disorders caused or worsened by the overconsumption of TikTok on a daily basis. This substantially interferes with the rights of health and safety common to the general public and has required Kansas to expend substantial resources in response. Indeed, Kansas has funded community mental health centers,⁴⁰ a mental health intervention program for schools,⁴¹ suicide-prevention and behavioral and mental health resources for schools, parents, and teens,⁴² pediatric mental health resources for providers,⁴³ task forces to address behavioral health and suicide

³⁹ Jennifer A. Kingson, *Social media’s effects on teen mental health come into focus*, AXIOS (Jan. 11, 2023), <https://www.axios.com/2023/01/11/social-media-children-teenagers-mental-health-tiktok-meta-facebook-snapchat> (last accessed Mar. 4, 2024).

⁴⁰ *Community Mental Health Centers*, KANSAS DEPT. FOR AGING AND DISABILITY SERV., <https://kdads.ks.gov/kdads-commissions/behavioral-health/community-mental-health-centers> (last accessed Mar. 4, 2024).

⁴¹ *Mental Health Intervention Team Program*, KANSAS STATE DEPT. OF EDUC., <https://www.ksde.org/agency/Fiscal-and-Administrative-Services/School-Finance/Mental-Health-Intervention-Team-Program> (last accessed Mar. 4, 2024).

⁴² *Behavioral Health*, KANSAS DEPT. OF HEALTH AND ENV’T., <https://www.kdhe.ks.gov/434/Behavioral-Health> (last accessed Mar. 4, 2024); *Kansas School-Based Health Center Guide*, KANSAS DEPARTMENT OF HEALTH AND ENV’T. (2019), <https://www.kdhe.ks.gov/DocumentCenter/View/2459/Kansas-School-Based-Health-Center-Guide-PDF> (last accessed Mar. 4, 2024) (link to .pdf download of guide).

⁴³ *Pediatric Mental Health Toolkit*, KANSAS DEPT. OF HEALTH AND ENV’T., <https://www.kdhe.ks.gov/1779/Pediatric-Mental-Health-Toolkit> (last accessed Mar. 4, 2024).

prevention for youth,⁴⁴ and other programs and resources to support mental and behavioral health.⁴⁵

119. [REDACTED]

120. TikTok knows of the mental health crises that it has created in young users, but continues its harmful conduct nonetheless.

KANSAS INVESTIGATION

121. Plaintiff performed its own investigation into TikTok's deceptive conduct that has resulted in harm to Kansas children and parents.

122. Plaintiff, through an Investigator, performed an investigation into TikTok, including the viewing and capturing of TikTok videos.

123. During the course of the investigation, the state's investigator captured content related to the following violative content: 1) profanity and crude humor, 2) alcohol, tobacco, and drug use, 3) sexual content and nudity, and 4) mature and suggestive themes. The state's investigation utilized an account on TikTok that was registered as a 13 year old minor.

⁴⁴ Children's Continuum of Care Task Force, *Report and Recommendations*, KANSAS DEPT. OF AGING AND DISABILITY SERV. (Dec. 7, 2017), https://kdads.ks.gov/docs/librariesprovider17/csp/bhs-documents/reports/children's-continuum-of-care-task-force-report-dec-2017.pdf?sfvrsn=661106ee_4 (last accessed Mar. 4, 2024) (link to .pdf download of report); *Youth Suicide Prevention*, KANSAS ATT'Y GEN., <https://ag.ks.gov/victim-services/youth-suicide-prevention> (last accessed Mar. 4, 2024).

⁴⁵ *Kansas Behavioral Health Services*, KANSAS DEPT. FOR AGING AND DISABILITY SERV., <https://kdads.ks.gov/kdads-commissions/behavioral-health> (last accessed Mar. 4, 2024).

A. Profanity or crude humor

124. Profanity and crude humor are neither infrequent nor mild on TikTok.

125. Plaintiff's own research using a test account reveals that profanity and crude humor appears frequently, is intense on the TikTok app and is visible to minor users.

126. Numerous videos include uncensored profane words like "fuck," "bitch," and "ass." One such TikTok video featured two women simulating sex on a bedroom floor and singing along to: "Fuck me. Fuck it right boy! Don't you know I love it when you fuck it, fuck it right boy. Do my dance on yo' dick ooh you know you love this shit." Another video available to thirteen year old users involved a woman reflecting on sex with a male partner compared to female partners. She states: "I may not be fuckin' a woman, but I am fuckin' a bitch."

127. Crude humor is also common on TikTok. For example, in a video available to thirteen year old users, a young man lip syncs to text that reads: "Look at this girl's n00ds," a common reference to nude photos. He continues: "It looks like an oyster!" "But I love seafood..."

128. Despite the numerous videos found containing profanity or crude humor, Defendants tell consumers in the App Store that "profanity or crude humor" is "infrequent/mild" on the platform. That representation is misleading, deceptive, and unconscionable.

B. Alcohol, tobacco, and drug use or references

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

130. Plaintiff's own investigation revealed that drug and alcohol are neither infrequent nor mild on the TikTok app and is visible to minor users.

131. On videos readily accessible to thirteen year olds, TikTok feeds users videos openly advertising illegal drugs for purchase. For example, one video displayed the text: “LSD SHEET AVAILABLE” and showed an individual displaying LSD for the viewer. The user encouraged viewers in the comments to add him on Snapchat for “your fast and secure delivery.” Yet another TikTok video of LSD showed the drug administered on paper sheets (its common form), with the sheets decorated in colorful, eye-catching patterns displaying Teddy bears, cartoons, puppies, characters from The Simpson’s, Mickey Mouse holding up his middle finger, and other popular cartoon characters depicted with drug paraphernalia. Another TikTok video advertised edible marijuana (in the form of Skittles candy) sold in “discreet packaging” with the text “dw we don’t id,” assuring young users not to worry because they will not be asked for an ID to purchase the drugs. The investigator’s search for the phrase “legitpkugg,” a play on the word “plug,” which describes a drug source, immediately revealed several videos showing bricks of cocaine.

132. Some TikTok videos openly glorify drug use, including one user explaining that “the craziest high [he] ever experienced” was “toad venom,” which was “fucking crazy,” more “powerful” than “mushrooms” or “acid,” and feels like “10,000 orgasms in the center of the universe.”

133. Other videos purport to instruct young users. For example, one video entitled “So you wanna take LSD?” involves a man advising “first timers” on “how to have a good trip.” A user advertising “a life hack” recommends that viewers take edible marijuana an hour before attending a concert. Yet another TikTok video offered “Tips for the trips” with a mushroom emoji, advising on what paraphernalia the viewer should buy, and displaying the recommended paraphernalia.

134. Many TikTok videos display actual drug use.

135. For example, in a video entitled “Elite edible experience right here,” a young woman showed the progressive effects of edible marijuana use. She began by stating to the camera, “right after taking an edible,” and then—slurring her words and visibly under the influence of drugs—continued “an hour and a half after I ate an edible,” and so on throughout the night. Another video demonstrates a young man dancing to flashing lights with the caption “Me enjoying the first 5 hours of an acid trip.” Other videos show “hauls,” in which a user shows viewers all the drugs they acquired. In one such haul video, the user told viewers she was a “high tolerance girly.” Some videos available to thirteen year olds show extreme drug use. For example, one video shows a young man smoking simultaneously from at least five different marijuana vape pens. He shoves them all in his mouth and inhales, shrouding the viewer in a large cloud of smoke.

136. TikTok videos glorify drug use among children and teens specifically.

137. For example, one such video advised viewers about how to “hide carts or nic” (referring to vaping cartridges often used for marijuana and/or nicotine) in their room to evade discovery. Another gave instructions on how to hide a vape pen in the zipper of a belt at school. The TikTok user guaranteed “anytime you get searched, they’ll find nothing, and you’ll come up clean every time.” A thirteen year old user can search the phrase “gummies at school” and be fed numerous videos of children and teens using edible marijuana at school, including with captions like “walks into class high af,” which means “as fuck.” Another video shows a student sitting in class, panning the camera to where a marijuana cartridge is hidden in his backpack. Another video describes “How it be vaping in school bathrooms,” and shows two students in a school bathroom comparing and sharing drugs and then, when they hear someone walk in, pretending to

use the urinals and continuing to smoke from the vape pens. Yet another drug advertisement video available to thirteen year old users stated “If you want vapes or carts without you parents knowing, add me on snap 100% discreet,” while displaying photos of marijuana vape pens and cartridges.

138. Extreme alcohol use is also rampant on TikTok.

139. In one video available to thirteen year olds, two young women in a bar exchange a shot of alcohol by grabbing each other’s faces and kissing on the mouth. After the oral exchange, one young woman shows her middle fingers to the camera. The video bears the caption #mouthshots, and plays to the music of the unedited version of the song “Sexy Bitch,” which uses the phrase “neighborhood hoe.” Other videos are instructional in nature, including showing young users how to sneak alcohol into places in which it is forbidden, including Disney World. Other TikTok videos glorify underage binge drinking in particular. One such video showed a bucket of colorful candy as three individuals poured entire bottles of hard liquor onto the candy. The video played to audio stating: “underage drinking is very bad. Yo, I got a fake ID though!”

140. Some videos available to thirteen year olds on TikTok combine extreme drug and alcohol use. In one such video, a young woman tips back a pink sparkly flask and looks longingly at the camera with the caption: “Getting drunk but you can’t drink without [the snowflake emoji],” which is a common reference to cocaine. The woman lipsyncs to unedited audio which states: “Like, what the fuck are we supposed to do now? Do you guys do drugs??”

141. Despite numerous videos found containing drugs, drug references, and alcohol, Defendants tell consumers in the App Store that “alcohol, tobacco, and drug ... references” are “infrequent/mild” on the platform. That representation is misleading, deceptive, and unconscionable.

C. Sexual content and nudity

142. Sexual content and nudity on TikTok is neither infrequent nor mild.

143. Plaintiff's own research using a test account reveals that sexual content and nudity appears frequently, is intense on the TikTok app, and is visible to minor users.

144. TikTok videos display pornography that is available to users as young as thirteen years old. A simple search of the word "leak" reveals a video in which a woman in patent leather lingerie sits with her legs open and performs oral sex on a dildo. Another video presented by that search shows a young woman on her stomach, moving while being penetrated from behind. In both videos, the video image is accompanied by sounds of women moaning. A similar video shows a woman in a bathtub, moaning and moving backwards rhythmically, appearing to be penetrated from behind. In another, two woman passionately kiss in a hot tub while both clad in string bikinis. Thirteen year olds can also watch pole-dancing strippers on TikTok, as a woman in a thong spins upside down with her legs spread, set to seductive music in what appears to be a strip club. Another video shows a woman on her knees with her head bobbing, the text reading: "Never faked anything in a video (not even this one)."

145. Some videos describe explicit sexual content, rather than show it. For example, one video explains:

I was their little sex toy of the group. For the last few months or so, I age 20 female have been sleeping with a group of black men. . . . The third date, two of his friends just happened to come to his apartment while he was deep inside of my cat. They wanted some of me too, and I gave it up. . . . The fourth date was the turning point. The original guy invited four friends to join us from the beginning of the night. These five guys pounded me in every imaginable way that night. They made me their little F toy. The way they used me felt so good that I willingly allowed them to take what they wanted. By the end of the night, I looked like I got run over by a train. . . . If I told you my cat has been used 400 times this year, I would not be lying. In truth, it may be more than that.

146. TikTok videos also promote OnlyFans (often referred to as OF), a pornography site in which individuals can post sexual photos and videos for money. One TikTok video pictures a young woman with the text: “when my brother found out I have an OF account,” lip syncing to the words: “go little pornstar.”

147. Sexual nudity is ubiquitous on TikTok.

148. For example, one video shows a woman alone, topless, gripping her bare breasts with the instruction: “Get naked in nature! If you pass anyone, just grab your titties & smile!!” Another video shows a young woman with her breasts and nipples exposed, covered only by fishnet lingerie and high socks. She shoots a basketball while the text reads: “would you hoop with me?” Numerous videos show women in string bikinis, thongs, or lingerie while writhing or dancing suggestively.

149. Other sexual videos that TikTok shows to young users purport to be instructional. One video explains a sex position to use in a car, including demonstrations. The video advises: “stay spicy.” Some videos discuss and promote sex work, including one video in which a woman with bare breasts only covered by pasties explains that she works in the “mainstream porn industry” and that “it’s been great.” Another video involves a grown man explaining what to do “when you choke a girl.” He explains that “you want to go from the sides... and part of choking a girl is about cutting of blood flow.” Another video shows a grown man instructing viewers to see if a woman wants to be choked: “just place your hand there and then see how she reacts to it. If she pushes her neck into your hand, that’s typically a very green light for you to start lightly choking her.”

150. Adult sex toys are also advertised to children on TikTok. In one video, phallic-shaped vegetables like eggplants, bananas, and zucchini are displayed on a screen while a

woman shakes her head. Then, a vibrating dildo is presented and she nods her head in approval. The text reads: “Unlocking the Key to Pleasure” and the video ends with an advertisement for a company called “Lovense,” with the phrase “Sex Tech For Everyone.” In another, a user offers to “give away” an item in a large carrying case with what appears to be a sex toy protruding in and out of it. Another user responded to the video with his own video (called a duet on TikTok) and explains: “If the butt plugs on the wall didn’t give it away, that’s a fucking machine. We’re selling fucking machines on TikTok.”

151. One TikTok video available to thirteen year old users shows the text “Rating things I put up my p,” as the video displays a hairbrush (“1000/10 best thing ever”), a paper towel roll holder (“didn’t really feel it at first but then it was good”), and a perfume bottle (“10/10 felt really super duper good”). A similar video shows a woman gesturing to her body with the text “rating things I’ve tried.” The items displayed include the gear shift in a car (“8/10 Feels great but a little hard to get in the right position”), a large 18oz candle in a glass jar (“4/10 Kinda hurts I think it’s a lil too wide”), a metal paper towel holder (“10/10 So great makes my paper towels go on smoother too”), and a screwdriver (“1/10 Too small and too sharp”).

152. Also available to thirteen year old users are videos glorifying penetrative sex without protection.

153. For example, one video displays the text: “Creampied: A sexual act, usually in hardcore porn in which a man ejaculates into his partners [sic] vagina or anus without a condom resulting in visual seeping or dripping of semen from the orifice.” Another video involves two women discussing: “You don’t really want to get pregnant but you almost feel like there’s no point in having sex unless they’re going to cream pie in you.” The other woman agrees: “Like to me it was more of like an emotion connection like I trust you, you trust me, like I love you,” and

“It’s more hookup vibes if it’s someone you like and you’re having sex and you like pull out.”

Another video shows a young woman saying: “so a couple of girls who I love so so much have been making some videos about what they love about cream pies and I have to just come on here and say I agree I love them.” She continues: “I love knowing that they can’t resist,” “it’s like an ego boost, just let it out.” Yet another video shows a young woman dancing and smiling with the text: “Hyping myself up to get cream pied on camera everyday.”

154. Despite numerous videos found containing sexual content and nudity, Defendants tell consumers in the App Store that “sexual content and nudity” is “infrequent/mild” on the platform. That representation is misleading, deceptive, and unconscionable.

D. Mature/suggestive themes

155. Mature and suggestive themes on TikTok is neither infrequent nor mild.

156. Plaintiff’s own research using a test account reveals that mature/suggestive themes appears frequently, is intense on the TikTok app and is visible to minor users.

157. Videos about suicide are available to thirteen year old users on TikTok.

158. For example, one video shows a child approaching a door and telling a mother that a family member had shot himself. Another video displays a black screen with a 911-call audio playing in the background, in which a young girl’s voice sobs that her brother had shot himself with a gun and was dead. The term “unalive” is commonly used shorthand for suicide or homicide. Another video, for example, explained how a “SISTER UNALIVED BROTHER & ATE HIS PRIVATES.” Another example is a video that displays the written descriptions of failed suicide attempts, including: “Well I had attempted to hang myself when I was 15 So I got myself all strung up by a belt stuck in the door jam of my closet, stood up on a stool, and tried to get the courage to knock the stool over.”

159. TikTok also presents young users with extreme self-hate videos. One example features an angry male voice screaming: “Well my life is fucking miserable I hate my fucking life I hate it I’m fucking depressed. And fucking miserable I don’t sleep I eat like shit I have no friends No social life And I’m fucking miserable.” A search of “I fing hate my fing life” brings up similar videos in which an angry female voice screams, while the video displays: “no one is fucking nice no one’s ever fucking good AND EVERYONE IS A FUCKING BITCH. I FUCKING HATE MY LIFE. I FUCKING HATE MY FUCKING LIFE.”

160. TikTok also feeds young users content about eating disorders.

161. For example, one video shows a male in a bathroom getting down on his knees over the toilet, opening up the toilet seat, and sticking his fingers down his throat, forcing himself to vomit. The text on that video reads: “Me after forcing down some food because my sister was watching.” Another video shows a petite pop star dancing and displays the text: “things that look better than food taste: being confident in revealing clothing looking hot in bikinis . . . hip bones[.]” Yet another video shows a young woman dancing and smiling with the text “me after purging the one thing i ate today.”

162. Despite all numerous videos found containing mature/suggestive themes, Defendants tell consumers in the App Store that “mature/suggestive themes” are “infrequent/mild” on the platform. That representation is misleading, deceptive, and unconscionable.

ALLEGATIONS COMMON TO ALL COUNTS

163. The KCPA provides that “[n]o supplier shall engage in any deceptive act or practice in connection with a consumer transaction.” K.S.A. § 50-626(a).

164. Defendants are “suppliers” “who, in the ordinary course of business, solicit[], engage[] in or enforce[] consumer transactions, whether or not dealing directly with the consumer.” K.S.A. § 50-624(1).

165. By offering the TikTok app for general consumers on multiple platforms, Defendants engage in “consumer transactions” as defined by K.S.A. § 50-624(c).

166. TikTok has and is engaged in “deceptive act[s] or practice[s],” K.S.A. § 50-626(a), in several independent ways by making false, misleading, and deceptive representations related to the age rating of its app, and through the willful exaggeration of material facts, and through the omission of material facts regarding the content and features available on its app.

167. Defendants have engaged and are engaging in “the willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact,” K.S.A. § 50-626(b)(2).

168. Defendants have engaged and are engaging in “the willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact,” K.S.A. § 50-626(b)(3).

169. Defendants have and are also engaged in “unconscionable act[s] or practice[s]” because they have made and continue to make “misleading statement[s] of opinion on which the consumer was likely to rely to the consumer’s detriment.” K.S.A. § 50-627(b)(6).

CLAIMS

COUNT I

Kansas Consumer Protection Act, Deceptive and Unconscionable Acts K.S.A. § 50-623, et seq. Alcohol, Tobacco, and Drug References

170. All of the foregoing paragraphs are hereby incorporated by reference.

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

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

173. Defendants’ “infrequent/mild” representation in the App Store regarding drug, alcohol, and tobacco content is a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

174. Defendants’ “infrequent/mild” representation in the App Store regarding drug, alcohol, and tobacco content is a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

175. Defendants’ “infrequent/mild” representation in the App Store regarding drug, alcohol, and tobacco content is a misleading statement of opinion on which the consumer was likely to rely to the consumer’s detriment, in violation of K.S.A. § 50-627(b)(6).

176. The Court should assess penalties in the amount of \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

177. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

178. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT II
Kansas Consumer Protection Act, Deceptive and Unconscionable Acts
K.S.A. § 50-623, *et seq.*
Sexual Content and Nudity

179. All of the foregoing paragraphs are hereby incorporated by reference.

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

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

182. Defendants’ “infrequent/mild” representation in the App Store regarding sexual content or nudity are a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

183. Defendants’ “infrequent/mild” representation in the App Store regarding sexual content and nudity is a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

184. Defendants’ “infrequent/mild” representation in the App Store regarding sexual content and nudity is a misleading statement of opinion on which the consumer was likely to rely to the consumer’s detriment, in violation of K.S.A. § 50-627(b)(6).

185. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

186. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

187. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT III
Kansas Consumer Protection Act, Deceptive and Unconscionable Acts
K.S.A. § 50-623, *et seq.*
Mature/Suggestive Themes

188. All of the foregoing paragraphs are hereby incorporated by reference.

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

190. In fact, Defendants know and have reason to know that the TikTok app contains abundant mature/suggestive themes, which are neither “infrequent” nor “mild” in nature.

191. Defendants’ “infrequent/mild” representation in the App Store regarding mature/suggestive themes is a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

192. Defendants’ “infrequent/mild” representation in the App Store regarding mature/suggestive themes is a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

193. Defendants’ “infrequent/mild” representation in the App Store regarding mature/suggestive themes is a misleading statement of opinion on which the consumer was likely to rely to the consumer’s detriment, in violation of K.S.A. § 50-627(b)(6).

194. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

195. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

196. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT IV
Kansas Consumer Protection Act, Deceptive and Unconscionable Acts
K.S.A. § 50-623, et seq.
Profanity or Crude Humor

197. All of the foregoing paragraphs are hereby incorporated by reference.

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

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

200. Defendants’ “infrequent/mild” representation in the App Store regarding profanity or crude humor is a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

201. Defendants’ “infrequent/mild” representation in the App Store regarding profanity and crude humor is a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

202. Defendants’ “infrequent/mild” representation in the App Store regarding profanity and crude humor is a misleading statement of opinion on which the consumer was likely to rely to the consumer’s detriment, in violation of K.S.A. § 50-627(b)(6).

203. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

204. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

205. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, et seq.

COUNT V
Kansas Consumer Protection Act, Deceptive and Unconscionable Acts
K.S.A. § 50-623, *et seq.*
12+ Age Rating

206. All of the foregoing paragraphs are hereby incorporated by reference.

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

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

209. Defendants’ 12+ age rating in the App Store is a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

210. Defendants’ “12+” age-rating representation in the App Store is a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

211. Defendants’ “12+” age-rating representation in the App Store is a misleading statement of opinion on which the consumer was likely to rely to the consumer’s detriment, in violation of K.S.A. § 50-627(b)(6).

212. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

213. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

214. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

215. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

216. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT VI
Kansas Consumer Protection Act, Deceptive and Unconscionable Acts
K.S.A. § 50-623, et seq.
T for Teen Age Rating

217. All of the foregoing paragraphs are hereby incorporated by reference.

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

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

220. Defendants’ “T for Teen” age rating in the Google Play Store and Microsoft Store is a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

221. Defendants’ “T for Teen” age-rating representation in the Google Play Store and Microsoft Store is a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

222. Defendants’ “T for Teen” age-rating representation in the Google Play Store and Microsoft Store is a misleading statement of opinion on which the consumer was likely to rely to the consumer’s detriment, in violation of K.S.A. § 50-627(b)(6).

223. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

224. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

225. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT VII
Kansas Consumer Protection Act, Deceptive Acts or Practices
K.S.A. § 50-623, *et seq.*
Restricted Mode

226. All of the foregoing paragraphs are hereby incorporated by reference.

227. Defendants have represented and continue to represent to Kansas consumers that Restricted Mode “limits the appearance of content that may not be appropriate for all audiences.” Defendants have marketed and continue to market Restricted Mode as a “safety feature” and a tool for parents to restrict the ability of their children to encounter inappropriate content on TikTok.

228. In fact, Defendants know and have reason to know that: Restricted Mode restricts little of the content available on TikTok; mature content remains widely available to users with Restricted Mode enabled, including in search results and in each consumer’s algorithmically driven For You Feed; Restricted Mode does not work and has never worked as TikTok claims; and Restricted Mode does not meet consumer expectations in terms of filtering mature content.

229. Defendants’ misrepresentations about Restricted Mode were made knowingly or with reason to know that the property or services are of a particular standard, quality, grade, style or model, if they are of another which differs materially from the representation, in violation of K.S.A. § 50-626(b)(1)(D).

230. Defendants' misrepresentations about Restricted Mode are a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

231. Defendants' misrepresentations about Restricted Mode are a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

232. Defendants' misrepresentations about Restricted Mode are a misleading statement of opinion on which the consumer was likely to rely to the consumer's detriment, in violation of K.S.A. § 50-627(b)(6).

233. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

234. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

235. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT VIII
Kansas Consumer Protection Act, Deceptive Acts or Practices
Kan. State. Ann. § 50-623, *et seq.*
TikTok's Community Guidelines

236. All of the foregoing paragraphs are hereby incorporated by reference.

237. Through TikTok's Community Guidelines, Defendants represent to Kansas consumers that: TikTok rigorously enforces the Community Guidelines; that TikTok uniformly enforces the Community Guidelines; and that certain drug-related and sexual content is not allowed to remain on TikTok.

238. In fact, Defendants know and have reason to know that: content that violates the Community Guidelines remains on TikTok, may be promoted, and is widely viewed; that for some types of content, TikTok does not act to enforce its guidelines at all; and that TikTok moderates its Community Guidelines by choosing to leave some violative content on the platform rather than remove it. In particular, the Community Guidelines inform consumers that drug content is not allowed on TikTok, but in fact, TikTok knows that it allows most cannabis content to remain on the platform. Through the Community Guidelines, Defendants represent and have represented that certain drug-related and sexual content is not allowed on TikTok, when Defendants know that such content *is* allowed. Defendants also know that they permit other mature content on the platform that they fail to disclose to consumers in the Community Guidelines.

239. Defendants' misrepresentations about the Community Guidelines are a willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact, in violation of K.S.A. § 50-626(b)(2).

240. Defendants' misrepresentations about the Community Guidelines are a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

241. Defendants' misrepresentations about the Community Guidelines are a misleading statement of opinion on which the consumer was likely to rely to the consumer's detriment, in violation of K.S.A. § 50-627(b)(6).

242. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

243. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

244. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT IX
Kansas Consumer Protection Act, Deceptive Acts or Practices
Kan. State. Ann. § 50-623, *et seq.*
Addictiveness

245. All of the foregoing paragraphs are hereby incorporated by reference.

246. TikTok has intentionally created the TikTok app with features that render it addictive to young people, and TikTok is aware that the TikTok app does addict young people. Yet TikTok does not warn young people, their parents, or the public about the addictiveness of the TikTok app. Instead, TikTok assures the public of the safety and appropriateness of its app for young people through its misrepresentations in the App Store, Google Play, and Microsoft Stores, through its statements in the Community Guidelines, and its other public statements.

247. Defendants' misrepresentations about the addictiveness of the TikTok app are a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

248. Defendants' misrepresentations about the addictiveness of the TikTok app are a misleading statement of opinion on which the consumer was likely to rely to the consumer's detriment, in violation of K.S.A. § 50-627(b)(6).

249. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

250. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

251. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

COUNT X
Kansas Consumer Protection Act, Deceptive Acts or Practices
Kan. State. Ann. § 50-623, *et seq.*
Mental Health

252. All of the foregoing paragraphs are hereby incorporated by reference.

253. Defendants have represented and are continuing to represent to Kansas consumers that the TikTok app and features are safe and does not negatively affect young users' mental health.

254. In fact, Defendants know and have reason to know that the TikTok app and features are not safe and negatively affect young users' mental health.

255. Defendants' misrepresentations about the TikTok app affecting the mental health of young users are a willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact, in violation of K.S.A. § 50-626(b)(3).

256. Defendants' misrepresentations about the TikTok app affecting the mental health of young users are a misleading statement of opinion on which the consumer was likely to rely to the consumer's detriment, in violation of K.S.A. § 50-627(b)(6).

257. The State is entitled to civil penalties not to exceed \$10,000 for each violation of the KCPA, in accordance with K.S.A. § 50-636.

258. The Court should assess penalties in the amount of \$20,000 for each violation of the KCPA committed against protected consumers, in accordance with K.S.A. § 50-677.

259. Defendants should be held jointly and severally liable for the aforementioned violations of the Kansas Consumer Protection Act, K.S.A. § 50-623, *et seq.*

PRAYER FOR RELIEF

WHEREFORE, the State of Kansas, *ex rel.* Kris W. Kobach, Attorney General, prays for judgment against Defendants for each of the causes of action raised herein. The State respectfully requests that the Court enter judgment in its favor and that the Court:

A. Declare that TikTok’s actions are deceptive and unconscionable to Kansas consumers under K.S.A. § 50-620, *et seq.*;

B. Defendants be permanently enjoined from these and other practices in violation of the KCPA, as provided by K.S.A. § 50-632(a)(2);

C. Defendants pay civil penalties including, but not limited to \$10,000 per violation, pursuant to K.S.A. § 50-636.

D. Defendants pay enhanced civil penalties including, but not limited to \$20,000 per violation committed against a protected consumer, pursuant to K.S.A. § 50-677.

E. Award the State the expenses for expert witnesses, reasonable and necessary costs incurred in pursuing this action, including reasonable attorneys’ fees, and prejudgment and post-judgment interest at the highest lawful rates;

F. Defendants be held jointly and severally liable for any and all penalties and money damages awarded;

G. Defendants pay investigative fees and expenses to the Office of the Kansas Attorney General in the amount of \$10,000 as provided by K.S.A. § 50-632(c)(7);

H. Defendants pay all court costs and all costs associated with distributing and executing on any restitution or judgment made by this Court; and

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

Respectfully submitted,

KRIS W. KOBACH
ATTORNEY GENERAL

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*Applications for admission *pro hac vice*
forthcoming

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury for all issues raised by this pleading which are so triable.

/s/ Frances R. Oleen
Frances R. Oleen