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CLEBURNE COUNTY
HEBER SPRINGS, ARKANSAS

**IN THE CIRCUIT COURT OF CLEBURNE COUNTY, ARKANSAS
CIVIL DIVISION**

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

PLAINTIFF

v.

Case No. 12CV-23-65

FILED UNDER SEAL

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

DEFENDANTS

COMPLAINT

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

I. INTRODUCTION

1. This is a consumer protection action brought to redress and restrain violations of the Arkansas Deceptive Trade Practices Act (“ADTPA”), Ark. Code Ann. § 4-88-101 *et seq.* under

which the State seeks an order for an injunction, imposing civil penalties, restitution, and other equitable relief the State is entitled to against Defendants.

2. The TikTok app is a Chinese “Trojan Horse” unleashed on unsuspecting American consumers who have been misled by the company’s false, unconscionable, and deceptive representations about the content on its platform. Tens of millions of minors use TikTok in the United States. [REDACTED]

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

3. TikTok Inc. is a for-profit company that operates TikTok, a digital application that allows users to create, upload, and share short videos and view and interact with short videos posted by other users. TikTok Pte. Ltd. is the related corporate entity that nominally makes TikTok available on the Apple App Store, Google Play Store, and the Microsoft Store. ByteDance Inc. is a parent entity that earns revenue in the United States from TikTok’s operations. All of these entities are owned by ByteDance Ltd., a Chinese company. Collectively, these are hereafter referred to as “TikTok.”¹

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

¹ “TikTok” refers interchangeably to the collective group of Defendants and the TikTok platform/application throughout this Complaint.

[REDACTED]

5. The TikTok algorithm promotes a variety of mature content to 13–17-year-old users throughout the United States. The TikTok algorithm serves up abundant content depicting alcohol, tobacco, and drugs; sexual content, nudity, and suggestive themes; and intense profanity. TikTok promotes this content regardless of a user’s age, which means that it is available to users registered with ages as young as 13.

6. Content available and promoted to minors on TikTok can and does influence their behavior, causing significant harm, including to communities in Arkansas. For example, several school districts in September 2021 reported the rise “of several unfortunate trends among our youth appearing mostly on the social media app TikTok.”³ One trend “involves people filming themselves stealing or destroying school property.”⁴ A school district has explained that “[s]oap dispensers have been ripped out of the bathrooms, mirrors removed from walls, red dye staining toilets, tile, and basins, wet floor signs, paper towels, and toilet paper destroyed.”⁵ There can be no doubt that TikTok and its virality influence the children of Arkansas.

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

8. At the same time, TikTok’s parent company, ByteDance, operates a parallel application in China called Douyin, which contains many more safeguards for its 13-year-old

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

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

⁴ *Id.*

⁵ *Id.*

users. In China, young users under the age of 14 are required to use “Youth” mode and subject to real-name authentication. Those users are limited to 40 minutes of daily use, between the hours of 6 am and 10 pm. Douyin also does not contain or promote the kind of salacious content that TikTok makes available to 13-year-olds in the U.S.; rather, it serves up educational and light entertainment content. Users under 18 are also barred from viewing live broadcasts on Douyin.

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

10. An essential part of TikTok’s business model is presenting the TikTok application as safe and appropriate for young users between the ages of 13 and 17 because that group is a key demographic for the company and indicative of future growth. In service of that goal, TikTok has misled and deceived Arkansas consumers about the content that is available on the TikTok platform.

11. TikTok crafts its public messaging to emphasize the safety of young users and communicates to consumers that its app is “safe” for them, when it is not. In TikTok CEO Shou Chew’s recent written testimony before the U.S. House Committee on Energy and Commerce, Chew said that: TikTok is “a leader in safety and security;” “safety—particularly for teenagers—[is] a top priority for us;” TikTok “works with leading youth safety and well-being experts;” and TikTok “automatically remove[s] or escalate[s] for human review” *all* content that “potentially” “violates our Youth Safety and Wellbeing Policy.” *Written Testimony of Shou Chew, Chief Executive Officer, TikTok, Inc., Before the U.S. House Committee on Energy and Commerce, 118th*

Cong., 1st Session (March 23, 2023), *available at* <https://bit.ly/3JNXNnd>. Chew also said that TikTok allows teens to “safely manage their experience” on the app because “TikTok provides them with age-appropriate settings and controls.” He said this is TikTok’s largest labor expense, with the company spending “\$1 billion on trust and safety” in 2021 alone. Perhaps most damning, he claimed to be “Keeping TikTok Safe for All.” *Id.* Any consumer hearing these statements and the many other safety claims from TikTok, particularly in light of the 12+ rating discussed *infra*, would think that TikTok *is* safe for young users. It is not.

12. In particular, TikTok has communicated to Arkansas consumers that “Alcohol, Tobacco, and Drug References,” “Sexual Content or Nudity,” “Mature/Suggestive Themes,” and “Profanity or Crude Humor” are “Infrequent/Mild” on the platform, when in fact, these types of content are frequent and intense on the platform. Each of these representations is misleading and deceptive standing alone. Their cumulative effect is also misleading and deceptive. Anyone can visit TikTok’s page in the App Store *right now* and see these representations listed as part of TikTok’s age rating description. These misrepresentations are also highly relevant to the lives of young people and the risks they face. Data from the Centers for Disease Control and Prevention show that 23% of high school students have recently used alcohol, 18% have recently used electronic vapor products, 16% have recently used marijuana, and 13% have used illicit drugs (cocaine, inhalants, heroin, methamphetamines, hallucinogens, or ecstasy). *Youth Risk Behavior Survey*, CDC (2011–2021), at 30, 32, 34, and 49, <https://bit.ly/3IDxaJE>. This data also raises safety concerns about teens’ online behavior more generally, with 16% of high school students reporting that they have been electronically bullied, including bullying on social media platforms like TikTok. *Id.*

13. Not only have these misrepresentations misled and deceived Arkansas consumers, but they have also allowed TikTok to self-select a “12+” age rating for itself in Apple’s App Store—a deceptive age rating that inaccurately indicates to Arkansas consumers that the TikTok application is safe for users 12 and older. In fact, the only justifiable rating for TikTok in the App Store is “17+” (meaning that the application is, at most, appropriate for users aged 17 and older). TikTok’s choice to adopt a “12+” age rating in the App Store is misleading and deceptive to Arkansas consumers.

14. The App Store is operated by Apple, Inc., and is a digital platform that allows users to download applications, including the TikTok application. A “12+” rating communicates to Arkansas consumers that a particular application is appropriate for users twelve years old and older.

15. To receive a “12+” rating in the App Store, TikTok has knowingly made misleading claims about the content on its platform when submitting information to Apple as part of the process for making the TikTok application available for download on the App Store. TikTok makes these misleading claims with full knowledge that they will in turn be repeated to Arkansas consumers on TikTok’s App Store page. And TikTok makes these claims despite retaining full discretion to select the higher age rating of 17+ or otherwise apprise parents about the abundant mature content on its app with its other statements made available on the App Store page.

16. First, TikTok has self-reported in the App Store that the frequency of “Alcohol, Tobacco, and Drug Use or References” on the TikTok platform is “infrequent/mild.”

17. In fact, alcohol, tobacco, and drug content on TikTok is abundant; it is neither “infrequent” nor “mild.” TikTok not only allows users to search for *thousands* of alcohol-, tobacco-, and drug-related hashtags, but it even *recommends* such searches to users through its

Autocomplete feature. This means that users who merely type in a snowflake emoji will receive autocomplete suggestions for cocaine, including: “[snowflake][bunny] girls”, “[snowflake]caine”, “[snowflake] line”, and “[snowflake] nose hole.” Typing “alch” into the TikTok search bar will offer users suggested searches that return thousands of videos about using alcohol, including videos about hiding alcohol from parents and making alcohol taste like candy. Meanwhile, “drin” yields “drinkrecipes” and “drinkingcardgame.” Similarly, users who merely type “shr” into the TikTok search bar will be offered search terms that lead to thousands of videos about hallucinogenic mushrooms, called “shrooms.”

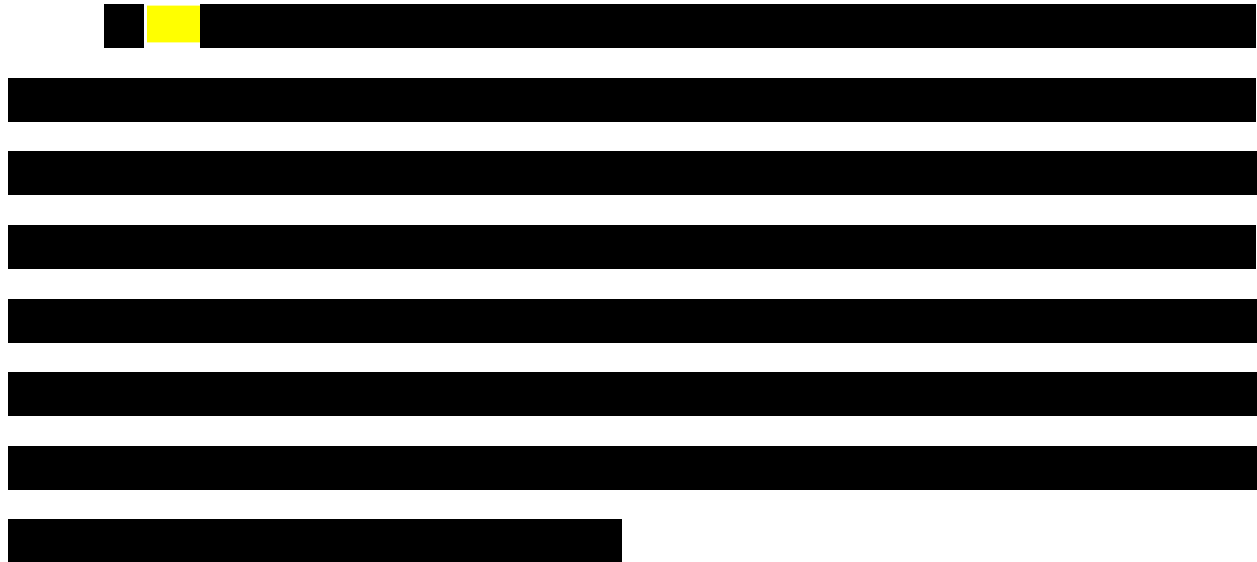
18. Second, TikTok has self-reported in the App Store that the frequency of “Sexual Content or Nudity” on the TikTok platform is “infrequent/mild” and that the frequency of “Mature/Suggestive Themes” is “infrequent/mild.”

19. In fact, sexual content, nudity, and mature and suggestive themes are abundant on TikTok; they are neither “infrequent” nor “mild.” TikTok not only allows users to search for *thousands* of sexual, mature, or suggestive hashtags, but it even *recommends* such searches to users through its Autocomplete feature. This means that users who merely type “sk” into the TikTok search bar will be offered terms like “skriptok,” and “skripper TikTok,” which returns thousands of videos about strippers, some of which have millions of views and depict women pole dancing or dressed in thong underwear or giving tips on stripping. Similarly, typing “ki” offers “kintiktok,” a search that returns thousands of videos about sexual kinks, including bondage, sadomasochism, rape fantasy, and forced breeding kinks. Typing only the letters “ba” into the search bar offers “baddies,” a search that returns thousands of videos of women “twerking” and of men doing body shots off bikini-clad women, many of which have millions of views.

20. Third, TikTok has self-reported in the App Store that the frequency of “Profanity or Crude Humor” on the TikTok platform is “infrequent/mild.”

21. In fact, profanity is frequent and intense on the TikTok platform. For example, TikTok does not restrict the availability or use of music with explicit lyrics by users of its platform. The platform includes videos with billions of views that include song lyrics with words like “fuck,” “pussy,” “clit,” and “dick.”

22. If TikTok were to truthfully self-report, however, that “Profanity or Crude Humor” on its platform is “Frequent/Intense,” then TikTok would not qualify for a 12+ age rating. TikTok instead reports that “Profanity or Crude Humor” is “Infrequent/Mild” so that it can continue to deceptively claim a 12+ rating on the page consumers use to download the TikTok app in the Apple App Store.



24. TikTok is also required to answer age-rating questions before making its application available in the Google “Google Play” store and Microsoft’s “Microsoft Store.” TikTok’s age-rating answers allow it to display a “T” for “Teen” rating in both of these online stores, which is defined as: “Content is generally suitable for ages 13 and up. May contain violence,

suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.”⁶ That age rating is unfair and deceptive to consumers because suggestive themes, crude humor, and strong language appear frequently and are intense on the TikTok platform. Based on the actual content of TikTok’s app and the age-rating descriptions employed by the Google Play and Microsoft Stores, TikTok does not qualify for any age rating lower than an “M” for “Mature” rating, which is defined as: “Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.”⁷

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

26. The State of Arkansas further seeks civil penalties in light of TikTok’s unfair and deceptive conduct, which has harmed and continues to harm Arkansas consumers.

II. JURISDICTION AND VENUE

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

28. Defendants operate a social media application and platform that has transacted business in the State of Arkansas within the applicable statute of limitations. This Court has personal jurisdiction over Defendants under Ark. Code Ann. § 16-4-101. Defendants have availed themselves of the benefit of transacting business in Arkansas through the marketing, sale, and operation of a well-known social media and advertising network.

⁶ *Content ratings for apps and games*, GOOGLE PLAY, <https://bit.ly/3UextFW> (last visited Mar. 8, 2023).

⁷ *Age ratings*, MICROSOFT STORE (last visited Mar. 8, 2023), <https://bit.ly/3ihMU2X>.

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

III. PARTIES

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

31. Defendant TikTok Inc. is a for-profit entity incorporated in the State of California, which operates a social media application and platform known as “TikTok.” TikTok Inc. is headquartered at 5800 Bristol Pkwy, Culver City, CA, 90230-6696. TikTok Inc. has a valuation of at least \$50-75 billion. TikTok Inc. made nearly \$4 billion in revenue in 2021 and an estimated \$10–12 billion in 2022.

32. Defendant TikTok Pte. Ltd. is a related corporate entity, which is headquartered at 8 Marina View, #43–00, Asia Square Tower 1, Singapore 018960. This related corporate entity is nominally listed on the Apple App Store, Google Play Store, and Microsoft Store.

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

34. Defendant ByteDance Ltd. is a multinational internet technology holding company and is the parent company of TikTok Inc, TikTok Pte. Ltd., and ByteDance Inc. ByteDance Ltd. is headquartered in Room 503 5F, Building 2, 43 North Third Ring West Road, Beijing, 100086 China and registered in the Cayman Islands at C/O Vistra (Cayman) Limited, P. O. Box 31119, Grand Pavilion, Hibiscus Way, 802 West Bay Road, Grand Cayman, KY1 – 1205. ByteDance Ltd. is valued at more than \$400 billion. ByteDance Ltd. reported \$58 billion in revenue in 2021.

IV. FACTUAL ALLEGATIONS

a. What TikTok Is

35. TikTok is a social media platform that centers on short videos created and uploaded by users and often set to music. TikTok is available as an application to download on smartphones and tablets, and most TikTok users interact with the platform through an application. Users can download the TikTok application from the Apple App Store, the Google Play Store, or the Microsoft Store. TikTok was the most downloaded app globally in 2022.⁸

36. TikTok users register and create a profile in order to access the platform. In doing so, TikTok users answer a few questions about themselves and provide their birthdays. A user can only access the platform if he provides a birthday indicating that he is 13 years old or older.

[REDACTED]

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

38. TikTok's "For You" feed is a never-ending, algorithmically-personalized stream of videos provided to an individual TikTok user upon logging into the TikTok application. In TikTok's words:

⁸ D. Curry, *Most Popular Apps (2023)*, BUSINESSofAPPS (Feb. 28, 2023), available at <https://www.businessofapps.com/data/most-popular-apps/>.

When you open TikTok and land in your For You feed, you're presented with a stream of videos curated to your interests, making it easy to find content and creators you love. This feed is powered by a recommendation system that delivers content to each user that is likely to be of interest to that particular user. Part of the magic of TikTok is that there's no one For You feed – while different people may come upon some of the same standout videos, each person's feed is unique and tailored to that specific individual.⁹

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

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

41. The TikTok application also permits users to access an in-app browser by clicking on a link attached to a video or in the comments on the video. If the link is to a Google search site, this in-app browser gives users virtually unfettered access to all content available on the internet.

42. The TikTok application collects data about a user's location and uses this data to make the application profitable. Collected geographic data ranges from precise location data to IP addresses and general location information. TikTok uses this information to target advertisements

⁹ *How TikTok recommends videos #ForYou*, TIKTOK (June 18, 2020), <https://bit.ly/3NuYeUY>.

to particular users and to hone the TikTok algorithm's ability to keep users on the platform. Collecting geographic data is a core element of TikTok's business model.

b. TikTok Offers Its Application With a "12+" Rating in the App Store and TikTok Self-Reports That "Alcohol, Tobacco, and Drug Use and References," "Sexual Content and Nudity," "Mature/Suggestive Themes," and "Profanity or Crude Humor" on TikTok Are "Infrequent/Mild"

43. TikTok makes its TikTok application available to Arkansas consumers to download in the Apple App Store.

44. TikTok is required to submit its TikTok application to the App Store before its application will be made available to consumers there. As part of the submission process, Apple requires TikTok to self-report certain details about the content and capabilities of its TikTok application. TikTok is required to self-report these details each time it submits a new version of the TikTok application to the App Store. When TikTok submits this information to Apple, it does so with full knowledge that the information will in turn be used to automatically populate certain consumer-facing disclosures about the TikTok application on TikTok's App Store page.

45. Many of these self-reported details relate to the age-appropriateness of the application being submitted. The App Store asks TikTok a series of "Age Rating" questions, which TikTok must answer, and as a result of those answers, the App Store automatically assigns an age rating or a range of age ratings to the application. The age rating will be made visible to consumers seeking to download the application in the App Store, and in some cases, additional details about the application's age rating will also be made visible to consumers in the App Store. This age-rating process is the same for all application developers.

46. An application's age rating is important to consumers, and particularly parents. Just as a parent might determine which movies are appropriate for their children to watch based on the "rating" the movie receives (G, PG, PG-13, or R), so too do parents check the age rating of

applications before allowing their children to download and use the application. Parents may supervise their children's devices directly to see which applications their children are downloading, or they can use parental controls to prevent their children from downloading applications with particular age ratings. For example, a parent may use parental controls on a 13-year-old's iPhone to automatically prevent the 13-year-old child from downloading any application with a 17+ age rating.

47. Part of the App Store's age-rating process includes a series of content categories, and for each category, the application developer is prompted to select "the level of frequency for each content description that best describes your app." The available levels of frequency are "none," "infrequent/mild," and "frequent/intense." The content categories include the topics "Alcohol, Tobacco, or Drug Use or References," "Sexual Content or Nudity," "Mature/Suggestive Themes," and "Profanity or Crude Humor."

48. When application developers answer the age-rating prompts, the App Store generates a recommended age rating. One such age rating is the "12+" rating. Applications with a "12+" rating are appropriate for consumers ages twelve and older. Apple defines its "12+" rating by saying that applications with that rating may contain "infrequent mild language" or "mild or infrequent mature or suggestive themes." *Get Started: Age Ratings*, APPLE, <https://apple.co/3ydIBeh> (last visited Mar. 8, 2023).

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

50. If an application developer answers the age-rating prompts and receives an age rating recommendation lower than “17+,” the application developer may nonetheless self-select the higher age rating of “17+.”

51. Currently, TikTok displays a “12+” rating in the App Store, and its page contains the following explanations and descriptions related to that rating: “Infrequent/Mild Sexual Content and Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References,” and “Infrequent/Mild Profanity or Crude Humour.” *TikTok*, APPLE APP STORE, <https://apple.co/3SQAI6f> (last visited Mar. 8, 2023).

52. TikTok is required to answer the App Store’s age rating questions every time it uploads a new version of the TikTok app to the App Store for consumers to download (including for existing TikTok users to download as an update to their existing app). For example, between May 10, 2022 and September 29, 2022, TikTok uploaded 25 different versions of its application to the App Store, and for each of those 25 versions, TikTok was required to answer the App Store’s age rating questions. Upon information and belief, TikTok answered “Infrequent/Mild” in response to the categories “Sexual Content and Nudity,” “Mature/Suggestive Themes,” “Alcohol, Tobacco, or Drug Use or References,” and “Profanity or Crude Humor” each of the 25 times TikTok uploaded a new version of its application during this period.

53. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

██████████ Consumers could scroll to the bottom of the TikTok page in the App Store and find the following age-rating description listed there: “Infrequent/Mild Sexual Content or Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” and “Infrequent/Mild Profanity or Crude Humor.” Upon information and belief, version 24.2.0 of the TikTok application was made available in the App Store on May 4, 2022.¹⁰

54. ██████████

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██████████ Upon information and belief, version 24.1.0 of the TikTok application was made available in the App Store on April 21, 2022. ██████████

██████████

██████████

██████████ Consumers could scroll to the bottom of the TikTok page in the App Store and find the following age-rating description listed there: “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References,” “Infrequent/Mild Sexual Content or Nudity,” “Infrequent/Mild Mature/Suggestive Themes,” and “Infrequent/Mild Profanity or Crude Humor.”

55. If TikTok had answered “frequent/intense” in response to the “Alcohol, Tobacco, or Drug Use or References” prompt or the “Sexual Content or Nudity” prompt or the “Mature/Suggestive Themes” prompt or the “Profanity or Crude Humor” prompt for any version of its application, then its application could have qualified only for a “17+” age rating in the App

¹⁰ *TikTok*, APPLE APP STORE, <https://apple.co/3Y25OLy> (last visited Mar. 8, 2023) (“Version History” section).

Store, meaning that the application would be advertised as appropriate only for users seventeen years old and older.

56. But because TikTok selected [REDACTED] in response to the “Alcohol, Tobacco, or Drug Use or References” prompt, the “Sexual Content or Nudity” prompt, the “Mature/Suggestive Themes” prompt, and the “Profanity or Crude Humor” prompt, TikTok was able to market its application in the App Store with a 12+ rating. [REDACTED]

[REDACTED]

57. At all times relevant to this action, TikTok was aware that the result of its self-reported answers to the App Store’s age-rating questions would be to generate an age rating that would be prominently displayed for consumers on the TikTok application’s page in the App Store.

58. [REDACTED]

59. [REDACTED]

60. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

61. Similarly, TikTok is required to answer age-rating questions before making its application available for download in Google’s “Google Play” store and Microsoft’s “Microsoft Store.”¹¹ In both of these alternate fora, TikTok has claimed a “T” for “Teen” rating. [REDACTED]

[REDACTED] A “T” for “Teen” rating is defined as: “Content is generally suitable for ages 13 and up. May contain violence, suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.” By contrast, an “M” for “Mature” rating is defined as: “Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.”¹²

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

c. TikTok’s “Restricted Mode”

63. TikTok offers users a feature called “Restricted Mode,” which is available in the application. Users set a passcode and then enable “Restricted Mode,” which can later be turned off by entering the same passcode.

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

¹¹ *Content ratings for apps and games*, GOOGLE PLAY, <https://bit.ly/3UextFW> (last visited Mar. 8, 2023); *Age ratings*, MICROSOFT STORE (last visited Mar. 8, 2023), <https://bit.ly/3ihMU2X>.

¹² *Content ratings for apps and games*, GOOGLE PLAY, <https://bit.ly/3UextFW> (last visited Mar. 8, 2023).

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

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

65. [REDACTED]

[REDACTED] Even for those users who do have Restricted Mode enabled, however, the setting fails to prevent mature content from being visible to young users; on TikTok, a vast library of intense sexual content, intense drug, alcohol, and tobacco content, and intense profanity is available to users with Restricted Mode turned on.

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

66. TikTok has misled Arkansas consumers by offering its application with a “12+” rating in the App Store, while knowing that the application contains abundant amounts of content about alcohol, tobacco, and drug use or references.

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

68. TikTok not only allows but *encourages* users to search for alcohol-, tobacco-, and drug-related content on the TikTok platform. While TikTok has disabled search results for some common terms for alcohol, tobacco, and drugs, TikTok continues to permit searches for obvious misspellings of those common terms and other slang words for alcohol, tobacco, and drugs. And

not only does TikTok *allow* such searches, but it also *assists* users in locating these alternative search terms by recommending them to users as Autocomplete suggestions.

69. For example, TikTok returns no search results when a user searches for “shrooms,” which is a correctly spelled slang term for hallucinogenic mushrooms. But when a user types “shr” in the search bar in the TikTok application, TikTok’s Autocomplete function suggests “shromz” and “shromz first time” as possible search terms. If the user then searches for either term, the TikTok application returns thousands upon thousands of videos about hallucinogenic mushrooms. For example, the “shromz” search will return videos of people describing or depicting what a “trip” on “shrooms” feels like, describing the amount of “shrooms” they took, and comparing the similarities and differences between trips on “shrooms” as opposed to LSD, a hallucinogenic.

70. Similarly, “shroomtok” returns no search results but the misspelling “shroomtok” returns many relevant results, including individuals consuming shrooms while placing a mushroom emoji over the drug to disguise it (while clearly stating that they are consuming hallucinogenic mushrooms).

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

72. A user need not be *seeking* alcohol, tobacco, or drug content for TikTok’s Autocomplete feature to recommend suggested searches about that content. For example, merely

typing “alch” or “alco” into TikTok’s search bar generates alcohol-related suggestions like “alcohol beverages.” This search term yields videos and recipes for binge drinking and videos of drinking while underage.

73. Some searches are simply available on TikTok without misspellings, even though they clearly return alcohol, tobacco, or drug content. For example, “#drinkinggame” is an operative hashtag on TikTok with 2.0 billion views. Most of the top videos returned when searching for that hashtag are actual drinking games. One top video result for #drinkinggames shows a user making colorful cards and a board for the game, “Blackout,” which involves players taking shots, twerking, and removing clothing. It has 2.4 million views.¹³ In another video result for #drinkinggames, a user displays cards for the game, “Kinkies Get Legless,” wherein players take multiple shots and “passionately kiss” and bite the lips of other players. It has 1.2 million views.¹⁴ Another video shows a game involving driving an RC car through a maze of alcoholic beverages and then consuming anything that the RC car knocks over. It has 1.6 million views.¹⁵

74. Cannabis content is also abundant on the TikTok platform—despite the fact it is illegal in all fifty states for those under 18 to use cannabis recreationally. For example, the search term “canna recipes” provides thousands of videos depicting how to infuse cannabis into butter or other edibles to then cook with or consume. Typing “edib” into the TikTok search bar offers the Autocomplete suggestion “ediblesmallbusiness treat” featuring cannabis products. Many of those videos are attractive to young users, such as videos showing sweet gummy candies made from melted gummy bears laced with cannabis. Searching for “edible3” leads to more cannabis recipes and “#edibl” is an operative hashtag for videos with over twenty million views. Searching for

¹³ drinkingamesss (@drinkingamesss), TIKTOK (Feb. 9, 2023), <https://bit.ly/420GvM3>.

¹⁴ Legless Games (@getlegless), TIKTOK (Sept. 17, 2022), <https://bit.ly/3ZSIO2M>.

¹⁵ Shotaholics (@shotaholics), TIKTOK (June 1, 2021), <https://bit.ly/3mGs93a>.

“canna gummies” returns thousands of videos of users making and/or consuming cannabis-laced gummies. Searching for “ediblestiktok gummies” returns videos advertising cannabis-laced gummies for sale and videos showing users getting high by eating cannabis gummies. One video shows a young man consuming cannabis edibles repeatedly throughout the course of an entire day, and that video has 13.3 million views.¹⁶

75. [REDACTED]

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

77. [REDACTED]

[REDACTED]

78. [REDACTED]

[REDACTED]

¹⁶ The Food Guy (@tommywinkler), TIKTOK (Sept. 21, 2021), <https://bit.ly/3VK8hIH>.

79.

[REDACTED]

80.

[REDACTED]

81. In Arkansas, it is illegal for minors to possess alcohol, Ark. Code Ann. § 3-3-203, or marijuana recreationally, Ark. Code Ann. § 5-64-419(b)(5). Nonetheless, TikTok serves minors in Arkansas (and across the United States) content suggesting, encouraging, and glorifying the possession and consumption of these substances.

82. The proliferation of this content is a feature, not a bug, of the TikTok application's powerful algorithm. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

e. TikTok’s “12+” Rating and Its Statement That “Alcohol, Tobacco, and Drug Use or References” Are “Infrequent/Mild” Is Unfair and Deceptive to Arkansas Consumers

83. In light of the abundant alcohol, tobacco, and drug content on TikTok, and because much of that content is intense in nature, TikTok’s self-reported age-rating answers in the App Store are unfair and deceptive to Arkansas consumers. Yet TikTok deceptively reports the frequency of alcohol, tobacco, and drug content on the TikTok platform to the App Store because TikTok wants to keep and increase young users’ engagement with the TikTok platform.

84. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

86. [REDACTED]

[REDACTED]

87. [REDACTED]

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

[REDACTED] Chew later said that “dangerous content that violates [TikTok’s policies], we remove them. When we see them, we remove from the platform.” Testimony 3:43:57–3:44:04. But that too is deceptive as even with

videos that TikTok claims to see, it fails to take them down because its policies are not reliably enforced.”

88. TikTok knows that if it truthfully answered that alcohol, tobacco, and drug content on its platform is “frequent/intense” rather than “infrequent/mild,” then the TikTok application would only qualify for a “17+” rating in the App Store, which would damage TikTok’s business. A “17+” rating would communicate to consumers that the TikTok application is not safe for users under the age of 17. But users between the ages of 13 and 16 are among TikTok’s strongest demographic. TikTok’s success among this demographic is also deeply threatening to TikTok’s other social media competitors, like Snapchat, Instagram, and Facebook, and is an important factor in TikTok’s growth trajectory.

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

90. [REDACTED]

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

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

[REDACTED]

[REDACTED]

92. If a user types “sk” into the TikTok search bar, TikTok recommends “skriptok” and “skripper tiktok” as suggested search terms. These searches return thousands of videos about strippers, including descriptions of typical workdays for strippers and videos of strippers in thong underwear and other lingerie. Many stripper-related videos also have millions of views on TikTok. For example, a woman’s description of working a dayshift as a stripper, including how much money she made, has 13.7 million views.¹⁷

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

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

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

96. Pole dancing videos are commonplace on TikTok, including videos of a man and woman pole dancing together or two men pole dancing together, and these videos often have millions of views.¹⁸ The phrases “exoticpole,” “exoticpoledancer,” and “poledancer” are all

¹⁷ Layla Lavenderr (@dro0l), TIKTOK (Dec. 26, 2021), <https://bit.ly/3FjI3HF>.

¹⁸ Anysia Shung (@annysiia), TIKTOK (Oct. 13, 2021), <https://bit.ly/3ujaD5x> (2.8 million views) (available to all users registered as adults, but not 13 year olds); Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Jan. 17, 2022),

searchable on TikTok and return pole dancing videos with millions of views. These searches lead to individual users with numerous videos of sexualized dance routines, typically performed by people wearing thong underwear.

97. Pegging is a term used to refer to sexual intercourse in which a woman wears a dildo and penetrates a man's anus. While TikTok does not allow searches for the word "pegging" on its platform, TikTok allows searches for many other terms that lead to the same content, including "p3gging," "pegtok," and "peging." Results returned by these hashtags include: a video of a professional mistress discussing her experiences with pegging and "anal play" (3.7 million views)¹⁹; a video about pegging that includes a sex toy (2.8 million views)²⁰; and a video that includes the text "he finally let me peg him" (3.9 million views).²¹ The search "he finally let me peg him" returns numerous videos in which women say that their male partners have "finally let me peg him."

98. Domination and submission are sexual kinks that refer to one partner dominating and another partner submitting during sex. Numerous videos on TikTok describe and glorify these activities, including: a video of a dominant and submissive partner with a belt (35 million views);²² a submissive partner describing the control a dominant partner exercises over him, including control over what he wears and the color of his hair (2.7 million views);²³ a video in which a

<https://bit.ly/3VJcvjK> (1.5 million views) (available to 13 year old+); Guilherme Ambrosio (@gui_ambrosio), TikTok (Apr. 18, 2022), <https://bit.ly/3ugYv1L> (3 million views) (available to 13 year old+); Brianna Leigh (@veganbrianna), TikTok (Aug. 24, 2021), <https://bit.ly/3H1ELKp> (1.1 million views) (available to all users registered as adults, but not 13 year olds); Isis Maia Bello (@isismaiabello), TikTok (Feb. 11, 2022), <https://bit.ly/3h1TYQV> (3.5 million views).

¹⁹ theadultscorner (@theadultscorner), TikTok (Mar. 26, 2022), <https://bit.ly/3OYPTJT>.

²⁰ oLiViA (@_pig_benis_), TikTok (Apr. 30, 2021), <https://bit.ly/3H6OCi8>.

²¹ Anna (@ya_annannasik), TikTok (July 4, 2022), <https://bit.ly/3Hf9FPk>.

²² Chloe Lebacq (@spicyychoebaby), TikTok (Jan. 18, 2021), <https://bit.ly/3UuKqM5>.

²³ Kirizal (@kirizalneha), TikTok (Aug. 7, 2022), <https://bit.ly/3Up1XFn>.

dominant partner describes physical abuse during sex (601,900 views);²⁴ and a video depicting bondage costumes and themes in a performance (65,000 views).²⁵

99. “CNC” stands for “consensual non-consent,” a form of sexual behavior in which the participants agree to engage in sexual activity that would otherwise appear to be rape. Both “CNC” and “consensual non-consent” are searchable terms on TikTok. Videos available on TikTok about these terms include a video describing CNC as the evolution of a choking fetish (4 million views).²⁶ One user’s video describes how a user’s past experience with sexual assault led to a CNC kink (858,000 views),²⁷ and another user describes her own kinks that she refers to as “breeding” and CNC. (401,000 views).²⁸ TikTok’s Autocomplete function will also point users toward CNC content. If a user types “cnc” into the TikTok search bar, TikTok recommends the search “cnc knik,” which returns videos about CNC.

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

101. “Twerking” is a sexually provocative dance move that involves squatting and hip thrusting. The TikTok platform allows twerking videos, including twerking while wearing thong underwear, leaving all or nearly all of the buttocks exposed. One twerking video has 5.6 million views.²⁹ The “baddiesonly” hashtag returns numerous twerking videos with millions of views and likes.

²⁴ Havoc Rayne (@havoc_rayne), TIKTOK (Dec. 1, 2021), <https://bit.ly/3F17yfh>.

²⁵ Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Nov. 23, 2021), <https://bit.ly/3XUGw24>

²⁶ Wednesday (@gothyghoull), TIKTOK (Sept. 16, 2022), <https://bit.ly/3BykybJ>.

²⁷ bebi (@bebiisan), TIKTOK (May 30, 2022), <https://bit.ly/3ZZbDeQ>.

²⁸ Sophia the first (@trash.echo), TIKTOK (April 1, 2022), <https://bit.ly/3ZDijxH>.

²⁹ FRESA (@_fre.sa), TIKTOK (Aug. 8, 2022), <https://bit.ly/3UG4bAA> (available to all users registered as adults, but not 13-year-olds).

102. Other readily accessible videos glorify sexual bondage imagery, (1.5 million views);³⁰ and provide instructions for tying a pentagram-shaped harness for sexual rope play (1 million views).³¹ A video with 25.5 million views purports to show wet stains across a bed and curtains after the TikTok user “squirt[ed]” after using a “vibrator.”³²

103. A video with 486,500 views shows a graphic, close-up view of two women kissing, licking, and smearing saliva on each other for two-and-a-half minutes.³³

104. Some TikTok videos appear to feature minors engaged in sexually suggestive dances. One video with 20,000 views purports to show a 16-year-old twerking on a bed.³⁴

105. Recent reporting by Forbes magazine even demonstrates that *child sexual abuse material* (also known as “child pornography”) is available and promoted on TikTok. While TikTok purports to remove such content when it is posted for other users to see on TikTok, some accounts get around this removal by posting child sexual abuse material “privately” so that only the account user can see the material. These same accounts then *share* their login credentials so other users can log in to the private accounts and view the material. These accounts often require individuals who use the account credentials to contribute to the “private” cache of child sexual abuse material, and this can include kids under 18 contributing images of *themselves* after being groomed or enticed by the account owners.³⁵

106. TikTok could eliminate this illicit behavior by using artificial intelligence to monitor and remove child sexual abuse material even among private posts, requiring two-factor

³¹ blackglovedom (@BlackGloveDom), TIKTOK (June 6, 2021), <https://bit.ly/3UwAG3Z>.

³² Tik Toker (@mauricoolguy2), TIKTOK (June 23, 2021), <https://bit.ly/3P5Q2v5>.

³³ lesbianas besandose bien rico (@lesbianas.kisses), TIKTOK (Sept. 5, 2022), <https://bit.ly/3JbG3lo>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

³⁴ dababyhay’s simp (@pimpforsimps), TIKTOK (2020), <https://bit.ly/3P51qYo>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

³⁵ Alexandra S. Levine, *These TikTok Accounts Are Hiding Child Sexual Abuse Material In Plain Sight*, FORBES (Nov. 14, 2022), <https://bit.ly/3uoOfI3>.

authentication for private accounts, or eliminating multiple simultaneous sign-ins to the same account. Instead, the Forbes report details how TikTok has allowed some of these videos to remain on the platform *even after being alerted to them*. TikTok users are also able to circulate account credentials to these “private” accounts using hashtags and descriptions that refer to “posting in private.” TikTok could eliminate those hashtags and phrases or render them unsearchable, but TikTok has not done so.³⁶ This is a further example of egregious sexual content that is available on TikTok, contrary to its representations to the public and at great risk to young people in Arkansas.

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

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

109. TikTok’s unique algorithm force feeds this content to users, which leads to “rabbit holing.” This is where “the app takes note of subtle cues” to serve users more and more content that becomes “less mainstream, less vetted by moderators and sometimes more disturbing” as users scroll down the rabbit hole.³⁷ An investigation by the *Wall Street Journal* found that TikTok created rabbit holes of videos that “sexualized minors.”³⁸

110. TikTok’s CEO Shou Chew testified about the *Wall Street Journal*’s investigation and the user experience the newspaper uncovered. He did not deny that such experiences do occur

³⁶ *Id.*

³⁷ WSJ Staff, *Inside TikTok’s Algorithm: A WSJ Video Investigation*, WALL STREET JOURNAL (July 21, 2021), <https://on.wsj.com/3ZBaQiH>.

³⁸ *Id.*

on TikTok, only claiming that “we don’t think it represents the majority of the users’ experience on TikTok, but *it does happen.*” Transcript 4:17:03–4:17-08 (emphasis added).

111. [REDACTED]

112. [REDACTED]

113. One of the top 5 most-followed TikTok users, Addison Rae, has posted a video of herself dancing to a song called “We Not Humping” with the following lyrics: “Ooh, he coming off way too pushy/I hope he don’t think he was getting this pussy/Aw, he like his bitches psychotic/Sit on his face and explain why I’m toxic, uh/How you talk shit but ain’t backing it up/Your pussy wack, send it back to the club.”³⁹ The video has 15.4 million views.⁴⁰ Over 500,000 other TikTok videos have been made by users and set to the same music. Top user Charli D’Amelio’s dance set to the same music has 37.6 million views.⁴¹ Another user, Camila Mendes, has danced to the same lyrics, and her video has 36.4 million views.⁴² Loren Grey performs the dance in a thong bikini in a video with 5.6 million views.⁴³

114. Another viral TikTok dance challenge featured users mimicking the rap artist, Cardi B, and her music video dance to her song “WAP,” which stands for “wet ass pussy.” Addison

³⁹ Addison (@addisonre), TIKTOK (May 10, 2022), <https://bit.ly/3Fs9cYT>.

⁴⁰ *Id.*

⁴¹ charli d’amelio (@charlidamelio), TIKTOK (May 13, 2022), <https://bit.ly/3urdI3O>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

⁴² camila mendes (@camimendes), TIKTOK (May 27, 2022), <https://bit.ly/3Hh3pa9>.

⁴³ Loren Gray (@lorengray), TIKTOK (May 13, 2022), <https://bit.ly/3H6wYuS>. This video is not visible in Restricted Mode but is visible when Restricted Mode is turned off.

Rae's WAP dance challenge video has 312.9 million views.⁴⁴ Another user's WAP dance has 3.7 million views and features the user wearing fishnet stockings and a short skirt.⁴⁵ The WAP dance includes floor-humping and all-fours twerking.

115. Top TikTok user Charli d'Amelio has a video with 57.8 million views in which she dances to a song titled "Super Freaky Girl."⁴⁶ The lyrics include: "F-R-E-A-K/I'm a movie, I should be on replay/I'm tryna F-U-C-K/He got pictures of my titties in his briefcase/I like D-I-C-K/I like bad bitches too, she could be bae/Ass fat to the max like TJ/BJ while he speedin' on the freeway."

116. Vulgar songs are commonplace on TikTok. In a video with 4.2 million views, a user molds clay on a pottery wheel in the shape of a penis while the song "Fucked by a Cowboy" is playing.⁴⁷ The lyrics are: "Have you ever been fucked, fucked, fucked by a cowboy/Rammed, rammed, rammed by a redneck/Spread, spread, spread by an inbred/Who's kind of got your daddy's voice/If you've never been licked by a hick with a hillbilly dick/Or got a rash on your stash from some trailer trash/Then girl you need to get fucked by a country boy."

117. Another video features a young woman with the side of her chest exposed dancing to "DDLG" by ppcocaine. The lyrics she is dancing to are "I just want you to fuck me to sleep (fuck me so good)/Trap Bunnie Bubbles/I want my cheeks clapped, Daddy (clap 'em)/So lay me down while I arch that ass back (back)/I need that good pipe, Daddy." The video has 3 million views.⁴⁸

⁴⁴ Addison (@addisonre), TIKTOK (Aug. 22, 2020), <https://bit.ly/3Fs0vxE>.

⁴⁵ Dynamikduoo (@dynamikduoo), TIKTOK (Oct. 9, 2020), <https://bit.ly/3Bd0QSt>.

⁴⁶ charli d'amelio (@charlidamelio), TIKTOK (Sept. 25, 2022), <https://bit.ly/3OZhniE>.

⁴⁷ iruru (@amberiruru), TIKTOK (Oct. 1, 2022), <https://bit.ly/3BaOWIF>.

⁴⁸ User30066902673 (@goth.cowgirl), TIKTOK (Nov. 5, 2021), <https://bit.ly/3LigiT8> (available to all users registered as adults but not 13-year-olds).

118. Another song, “She’s So Nice” by Pink Guy, contains the following lyrics: “She’s so nice/She’s so nice/She’s so nice/Yeah, treat her like a bitch/I fuck her in the ass and I fuck her in the tits/If she can handle that then I’ll let her suck my dick/And her man is coming back so I better make it quick/You know who you are you piece of shit/So next time you go down on her clit/Tell me how my dick tastes/Tell me how my motherfucking dick tastes!/But she’s so nice/But she’s so nice.” This song has been the center of viral dance trends in the past, and some recent TikTok videos reenact the old dance trend.⁴⁹

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

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

121. For example, when logged in as a 13-year-old user in Restricted Mode, TikTok’s algorithm offered a video set to the music “Fuck Off” in the For You page. The video has 3.8 million views.⁵⁰ The lyrics to “Fuck Off” include: “This is for anybody who needs tell somebody to fuck off/Go fuck yourself/Suck a bag of dicks/Eat a big ole pile of shit/wash it down with camel piss/You stupid bitch/Lick my tits/Polish all my naughty bits/Kiss my fanny/Tell your granny she got shitty grandkids/Pull my finger/Smell my butt/Sit and spin buttercup/Tell your mumma and your daddy they can lick my fucking nuts/Cuddle up to my balls and wash my dirty draws/I have

⁴⁹ peach pottery (@peachmangojuice777), TIKTOK (Apr. 5, 2022), <https://bit.ly/3Bz5EC3>; Julie (@deadlyxxlove), TIKTOK (Aug. 21, 2021), <https://bit.ly/3P1XsiW>.

⁵⁰ Queenlock1989 (@queenlock1989_), TIKTOK (Sept. 8, 2022), <https://bit.ly/3uoZdgT>.

fucking had enough so I'm telling you to go fuck off!/Fuck off!" *Id.* The song "Fuck Off" has been used to create over 24,600 videos on TikTok.

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

123. Not only is content of this nature available to young users, TikTok actually *recommends* searches that return sexual and suggestive content to users through its Autocomplete feature. Autocomplete suggests search terms to users when they begin typing into TikTok's search bar.

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

125. TikTok does not restrict the availability of music with explicit lyrics on the TikTok platform, and videos set to music with explicit lyrics on the TikTok platform have billions of views. This includes billions of views for videos set to music with the *most* profane words in the English language.

126. [REDACTED]

[REDACTED]

[REDACTED]

127. [REDACTED]

[REDACTED]

g. The Content on TikTok Is Not Consistent with the App Store Representations TikTok Makes Related to “Sexual Content or Nudity” and “Mature/Suggestive Themes”

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

129. [REDACTED]

[REDACTED]

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

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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133. [Redacted text line]

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134. [Redacted text line]

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135.

[REDACTED]

136.

[REDACTED]

137.

[REDACTED]

138. [REDACTED]

139. [REDACTED]

⁵¹ TikTok users have the option to “set” their accounts to “public” or “private.” According to TikTok:

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

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

Choosing between a private or public account, TIKTOK, <https://bit.ly/3XW2cL7> (last visited Mar. 8, 2023).

h. TikTok Does Not Generally Restrict the Content Available to Minors Even Though It Is Aware That the Platform Contains (and TikTok Has Identified) Material Inappropriate for Minors

140. [REDACTED]

141. In July 2022, TikTok started automatically restricting some videos so that young users cannot view them even when not in Restricted Mode. In practice, this function restricts virtually nothing from being visible to young users. For example, a video in which a man and woman joke about the woman pegging the man with a cucumber is not visible to a 13-year-old user even with Restricted Mode turned off.⁵² But the same TikTok account has another video in which they joke about the man inserting a cucumber into his own anus, and that video is visible to a 13-year-old user even with Restricted Mode enabled, and that video has 2.2 million views.⁵³

142. TikTok knows that a significant amount of content exists on the TikTok platform that is not suitable for young users. [REDACTED]

⁵² Keeno & Liz (@keenoandliz), TIKTOK (Dec. 24, 2021), <https://bit.ly/3gZNqIR>.

⁵³ Keeno & Liz (@keenoandliz), TIKTOK (Jan. 2, 2022), <https://bit.ly/3F7tB3Y>.

[REDACTED]

[REDACTED]

143. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

144. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

145. Arkansas law has protected consumers, including teen consumers, from unfair and deceptive conduct since before TikTok existed. Instead of abiding by that law, TikTok has flouted Arkansas’s consumer protections by misleading and deceiving parents about the availability of mature content on its application.

i. Restricted Mode Misleads and Deceives Consumers

146. TikTok’s creation and promotion of Restricted Mode also misleads and deceives consumers.

147. TikTok describes Restricted Mode to parents like this: “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.”

148. In reality, Restricted Mode does virtually nothing to limit mature content. Searching for “p3gg1ing tutorial” with Restricted Mode turned *on* offers search results no less vulgar and sexual than searching for “p3gg1ing tutorial” with Restricted Mode turned *off*.

149. Scrolling a 13-year-old user’s For You page with Restricted Mode turned *on* is not meaningfully different in terms of vulgar and profane content than scrolling the same 13-year-old user’s For You page with Restricted Mode turned *off*. Scrolling the same user’s For You page with Restricted Mode turned *on* also reveals sexual and profane videos being recommended one after another, even on different days and different sessions using the TikTok app.

150. Even within a single user’s profile, one video might be blocked from users in Restricted Mode,⁵⁴ while numerous other videos from the same user are permitted in Restricted Mode even though they are equally sexual.⁵⁵ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

151. Arkansas parents who have enabled Restricted Mode for their children are being misled and deceived by TikTok about the effectiveness of that setting for restricting mature

⁵⁴ Guilherme Ambrosio (@gui_ambrosio), TIKTOK (June 12, 2022), <https://bit.ly/3He3yLk>.

⁵⁵ Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Jan. 17, 2022), <https://bit.ly/3VJcvjK>; Guilherme Ambrosio (@gui_ambrosio), TIKTOK (Apr. 18, 2022), <https://bit.ly/3ugYvIL>; Brianna Leigh (@veganbrianna), TIKTOK (Aug. 24, 2021), <https://bit.ly/3H1ELKp>.

content. In reality, Restricted Mode does virtually nothing to block mature content from being visible (or even promoted by TikTok’s algorithm) to users.

j. TikTok Also Misleads Arkansas Consumers Through Its Community Guidelines

152. TikTok has misled and continues to mislead consumers in other ways, too.

153. TikTok’s Community Guidelines “establish a set of norms and common code of conduct that provide for a safe and welcoming space for everyone.”⁵⁶ TikTok says that “[o]ur Community Guidelines apply to everyone and everything on TikTok.”⁵⁷ TikTok claims to “proactively enforce” the Community Guidelines “using a mix of technology and human moderation.”⁵⁸

154. However, internal TikTok recordings obtained by Forbes magazine indicate that TikTok has operated special content moderation queues for TikTok users with more than 5 million followers.⁵⁹ These queues were designed to implement the Community Guidelines more leniently than they would otherwise be implemented.⁶⁰ In one recording, a member of TikTok’s “Trust and Safety Team” is heard describing the more-lenient content moderation queue as follows: “If Addison Rae shows a little bit of a thong, they might mark that, whereas we might be a little more lenient.”⁶¹ Addison Rae is one of TikTok most-followed users, with 88 million followers.⁶²

155. [REDACTED]

[REDACTED]

[REDACTED]

⁵⁶ *Community Guidelines*, Introduction, TIKTOK (last updated Oct. 2022), <https://bit.ly/3Hc5jsl>.
⁵⁷ *Id.*
⁵⁸ *Id.*
⁵⁹ Emily Baker-White, *How TikTok Has Bent Its Rules for Its Top Creators*, FORBES (Sept. 20, 2022), <https://bit.ly/3UzIVwe>.
⁶⁰ *Id.*
⁶¹ *Id.*
⁶² *Id.*

[REDACTED]

156. TikTok gives consumers the clear impression that content that violates the Community Guidelines is simply not available on the platform. For example, TikTok says that “[w]e will remove any content—including video, audio, livestream, images, comments, likes, or other text—that violates our Community Guidelines.”⁶³

157. TikTok tells consumers that “[w]e do not allow the depiction, promotion, or trade of drugs or other controlled substances,” on TikTok, and that “[t]he trade of tobacco and alcohol products is also prohibited on the platform.”⁶⁴ In describing that policy, TikTok further tells users “[d]o 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.”⁶⁵ Similarly, TikTok tells users “[d]o not post, upload, stream, or share” “[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.”⁶⁶

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

159. [REDACTED]

[REDACTED]

[REDACTED]

⁶³ *Id.*

⁶⁴ *Community Guidelines*, Drugs controlled substances, alcohol, and tobacco, TIKTOK (last updated Oct. 2022), <https://bit.ly/3Hc5jsl>.

⁶⁵ *Id.*

⁶⁶ *Id.*

160. [REDACTED]

161. [REDACTED]

162. TikTok’s Community Guidelines state that: “We do not allow nudity, pornography, or sexually explicit content on our platform.” The Community Guidelines further state that: “Nudity and sexual activity include content that is overtly revealing of breasts, genitals, anus, or buttocks, or behaviors that mimic, imply, or display sex acts” and that TikTok does “not allow depictions, including digitally created or manipulated content, of nudity or sexual activity.”

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

164.

[REDACTED]

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

166.

[REDACTED]

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

V. CLAIMS

COUNT I

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

Alcohol, Tobacco, and Drug References

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

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

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

171. TikTok has and is engaged in “deceptive and unconscionable trade practices” Ark. Code Ann. § 4-88-107(a), in three separate, independent ways by making deceptive representations

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

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

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

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

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

176. TikTok knowingly has and is also engaged in “deceptive and unconscionable trade practices,” *id.*, by making public statements that overstate the safety of the TikTok application for

young users, particularly as relates to the abundant alcohol, tobacco, and drug content on the platform.

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

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

179. Each Defendant and “every partner, officer, or director of another person who directly or indirectly controls another person or who is in violation of or liable under the DTPA or every person who directly or indirectly facilitates, assists, acts as intermediary for, or in any way aids another person who is in violation of or liable under the DTPA in the operation or the continuance of the act or practices shall be jointly and severally liable for any penalties assessed and any money damages awarded in any proceeding for civil enforcement” if they “knew or reasonably should have known of the existence of the facts by reason of which the violations or liability exists.” Ark. Code Ann. § 4-88-113(d)(1). Each Defendant knew or reasonably should have known of the facts stated in the DTPA violation alleged in Count 1. Thus, each Defendant is jointly and severally liable for any and all penalties and money damages awarded.

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

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

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

COUNT II

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

Sexual Content and Nudity

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

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

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

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

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

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

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

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

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

the Community Guidelines, and its deceptive public statements would violate Arkansas's prohibition on false, unconscionable, and deceptive acts or practices perpetrated on consumers.

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

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

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

COUNT III

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

Mature/Suggestive Themes

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNT IV

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

Profanity or Crude Humor

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

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

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

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

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

211. In particular, TikTok has deceptively represented to the App Store that the TikTok application contains only “infrequent/mild” “Profanity or Crude Humor” when such content is actually abundant on the TikTok platform and is neither “infrequent” nor “mild” in nature.

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

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

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

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

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

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

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

COUNT V

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

Cumulative Deceptive Representations

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

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

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

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

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

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

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

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

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

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

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

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

COUNT VI

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

Deceptive Representations About the Efficacy of Restricted Mode

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

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

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

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

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

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

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

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

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

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

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

COUNT VII

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

Deception and Omission of Material Facts

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

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

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

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

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

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

246. In particular, TikTok has omitted the material fact to the App Store that the TikTok application contains abundant “Alcohol, Tobacco, and Drug Content,” “Sexual Content and Nudity,” “Suggestive and Mature Themes,” and “Profanity or Crude Humor” content on the TikTok platform and is neither “infrequent” nor “mild” in nature.

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

248. TikTok has and is engaged in the act, use, or employment” of “deception, fraud, or false pretense” Ark. Code Ann. § 4-88-108(a)(1), by claiming a “T” for “Teen” age rating in the Google Play and Microsoft Stores, and these deceptive representations are also deceptive to Arkansas consumers when viewed cumulatively.

249. These practices are unlawful in connection with the sale or advertisement of any service to Arkansas consumers, namely individuals who download the TikTok application or who allow others to download the TikTok application (like parents who exercise parental controls over

VI. PRAYER FOR RELIEF

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

A. Declare that TikTok's actions are unlawful, unconscionable, and deceptive to Arkansas consumers under Ark. Code Ann. § 4-88-101, *et seq*;

B. Preliminarily and permanently enjoin Defendants from continuing to treat Arkansas consumers unfairly and deceptively in the ways described in these allegations;

C. Award the State civil penalties of not more than ten thousand dollars per each violation of the ADTPA, in accordance with Ark. Code Ann. § 4-88-113(a)(3);

D. Restore any money or personal property such as uploaded content which may have been acquired by means of any practice declared to be unlawful together with other damages sustained. Ark. Code Ann. § 4-88-113(a)(2)(A);

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

F. The State demands a jury trial; and

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

Date: March 28, 2023

Respectfully submitted,

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ATTORNEY GENERAL

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*Applications for admission *pro hac vice*
forthcoming