

Social Media's Potential Harms Continue To Be In the Spotlight

The Bottom Line

- President Biden, Congress, state attorneys general and social media users are seeking to hold social media platforms accountable for their mental health impacts on children and teens.
- As President Biden calls for stronger online protections for young people, companies should be evaluating their privacy practices related to children and prioritizing the safety of children and teenagers when they are designing and developing their online products and services.

President Biden, during his first State of the Union address, called on Congress to “strengthen privacy protections, ban targeted advertising to children, [and] demand [that] tech companies stop collecting personal data on our children.” Specifically, the President is asking Congress to invest in research on social media’s mental harms, noting that there has already emerged research suggesting that social media is associated with negative mental health outcomes, particularly among young people, and that children under 18 are disproportionately vulnerable to the dangerous and harmful content they might encounter online.

The President’s agenda calls for prioritizing safety-by-design standards and ensuring platforms and other interactive digital service providers prioritize the health, safety and well-being of young people above profit in the design of their products and services.

The President’s agenda reflects Washington’s focus on mental health issues facing children and teens as a result of the rise in social media’s popularity. The U.S. Surgeon-General has stated that, “when not deployed responsibly and safely, these tools can pit us against each other, reinforce negative behaviors like bullying and exclusion, and undermine the safe and supportive environments young people need and deserve.”

These issues were highlighted at the end of last year, when Instagram’s mental health impacts on children and teens became the focus of a congressional hearing after the leak of internal research suggesting that teenagers suffered body image issues as a result of using Instagram. The hearing focused on concerns that the platform:

- manipulates users’ behavior to boost engagement and extend time spent on the platform, which the platform monetizes through ad sales;
- designs algorithms intended to push teens toward toxic content so that they stay on the platform. By way of example, Senator Blumenthal noted that content about dieting tips leads the algorithm to provide increasingly extreme videos about weight loss, eventually exposing the user to content about eating disorders; and
- enables negative social comparison, which intensifies the platform engagement of teens struggling with body image, anxiety or other mental health issues, worsening their symptoms.

State Attorneys General are also investigating the mental and emotional harms caused by social media, which may violate state consumer protection laws. At least 11 states are involved in an ongoing investigation into Meta, Facebook's parent company, for promoting Instagram despite knowing of the aforementioned harms and failing to protect children and teens on its platforms.

Recently, at least eight states announced that they are investigating TikTok, which is owned by ByteDance, to determine whether the design and promotion of its platform harms teenagers' and young adults' physical and mental health.

Moreover, there have been at least two lawsuits filed that focus on the potentially harmful nature of social media platforms. In *Rodriguez v. Meta Platforms Inc., et al.*, the plaintiff alleges that Meta Platforms Inc., Snap Inc., TikTok Inc. and ByteDance knowingly designed their respective apps to be addictive and encourage excessive use – making such platforms responsible for the suicide of the plaintiff's eleven-year-old daughter. Similarly, in *Doffing vs. Meta Platforms, Inc., et al.*, plaintiffs allege that Meta Platforms Inc. and Snap Inc. knew that their platforms were unreasonably dangerous and intentionally designed to be addictive to minor users, resulting in severe emotional harms.

While social media platforms including Instagram and TikTok have added new safety and privacy measures aimed at protecting young users, the potential harms caused by social media continue to be an area of focus. We anticipate further developments in this area, particularly as lawmakers have introduced a number of bills aimed at limiting data tracking and targeted advertising to children.

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