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12 Institute, Fairplay for Kids, and the Organization for  
13 Social Media Safety

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 TIKTOK, INC.

18 Plaintiff,

19 v.

20 RON BONTA, in his official capacity  
21 as Attorney General of California,

22 Defendant.

23 META PLATFORMS, INC.

24 Plaintiff,

25 v.

26 RON BONTA, in his official capacity  
27 as Attorney General of California,

28 Defendant.

CASE NO. 5:25-cv-09789-EJD

**BRIEF OF CHILDREN'S ADVOCACY  
INSTITUTE, FAIRPLAY FOR KIDS, AND  
THE ORGANIZATION FOR SOCIAL  
MEDIA SAFETY AS AMICI CURIAE IN  
SUPPORT OF DEFENDANT**

DATE: May 7, 2026

TIME: 9:00 A.M.

CRTRM: 4 (Fifth Floor)

JUDGE: Hon. Edward J. Davila

CASE NO. 5:25-cv-09792-EJD

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GOOGLE LLC and YOUTUBE, LLC,  
Plaintiffs,  
v.  
RON BONTA, in his official capacity  
as Attorney General of California,  
Defendant.

CASE NO. 5:25-cv-09795-EJD

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7 *Moody v. NetChoice, LLC*,  
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22 Assem. Comm. on Privacy & Consumer Prot., Bill Analysis of S.B. 976,  
23 2023–2024 Reg. Sess. (Cal. Jul. 2, 2024) ..... 5, 10

24 Center for Countering Digital Hate, *Deadly by Design: TikTok Pushes  
25 Harmful Content* (2022) ..... 10

26 Christopher J. Hammond et al., *Neurobiology of Adolescent Substance  
27 Use and Addictive Behaviors: Prevention and Treatment  
28 Implications*, 25 ADOLESC. MED. STATE ART REV. 15 (2014) ..... 7

29 CNBC, *Modi Ally Proposes Social Media Ban for India’s Teens as  
30 Global Debate Grows* (Jan. 31, 2026)..... 8

31 Dr. Vivek Murthy, *Surgeon General: Why I’m Calling for a Warning  
32 Label on Social Media Platforms*, N.Y. TIMES (Jun. 17, 2024)..... 2

33 European Commission, *Commission Preliminarily Finds TikTok’s  
34 Addictive Design in Breach of the Digital Services Act* (Feb. 5, 2026)..... 9, 16, 17

35 European Commission, Press Release, *Commission Preliminarily Finds  
36 TikTok and Meta in Breach of Their Transparency Obligations  
37 Under the Digital Services Act* (Oct. 23, 2025)..... 18

1	European Parliamentary Research Serv., <i>Youth and Social Media</i> , (Tarja Laaninen with Joris Bol),	
2	(EUR. PARL. DOC. PE 779.235, Dec. 1, 2025) .....	9
3	Felix Richter, <i>Instagram’s Rise to 1 Billion</i> , Staista (Jun. 21, 2018) .....	4
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7	Internet Matters, <i>Protecting Children from Harms Online: Response to</i> <i>Ofcom Consultation 9</i> (July 2024).....	17
8	Jan Hoffman, <i>Fentanyl Tainted Pills Bought on Social Media Cause</i> <i>Youth Drug Deaths to Soar</i> , N.Y. TIMES (May 19, 2022) .....	10
9	Jean M. Twenge, <i>Increases in Depression, Self-Harm, and Suicide</i> <i>Among U.S. Adolescents After 2021 and Links to Technology Use:</i> <i>Possible Mechanisms</i> , 2 <i>Psychiatric Rsch. &amp; Clinic Prac.</i> , at 19–25	
10	(Summer 2020).....	3
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12	Ken Houston, <i>Children of Color at a Higher Risk of Child Sex</i> <i>Trafficking</i> , WTNH (May 10, 2022, updated May 11, 2022).....	11
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16	(June 2, 2022, 12:24 PM EDT) .....	4
17	Senate Republican Policy Comm., <i>Social Media and Mental Health</i> (Oct. 5, 2021) .....	8
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1 Univ. of San Diego Sch. of Law Children’s Advocacy Institute, *Child*  
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4 Zaheer Hussain & Mark D. Griffiths, *Problematic Social Networking*  
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6 *of Recent Large-Scale Studies*,  
7 9 FRONTIERS PSYCHIATRY 686, (2018)..... 7

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**DISCLOSURES**

Amici curiae Children’s Advocacy Institute (“CAI”), Fairplay for Kids (“Fairplay”), and the Organization for Social Media Safety (“OSMS”) do not have parent corporations or stock. Nobody owns 10 percent or more of them. No party, counsel, or person other than employees of the amici curiae authored any part of this brief or contributed any money to fund its preparation or submission. Defendant consents to this brief being submitted. Plaintiffs, Google, YouTube, and Meta do not oppose. Plaintiff TikTok, as of the time of this filing, has not responded to amici curiae’s Wednesday, February 25, 2026, inquiry.

**STATEMENTS OF INTEREST**

CAI, founded in 1989 as a part of the nonprofit University of San Diego’s School of Law, is an academic, research, and advocacy organizations working to improve the lives of children. CAI has spearheaded the enactment of numerous California statutes improving child safety in social media and CAI’s research in support of a prior child social media addiction-related California bill (AB 2408 (Cunningham and Wicks, from 2022)) and Utah Code §§ 78B-3-1101 through 1106 served as a foundation for the *Protecting Our Kids from Social Media Addiction Act*, Cal. Health & Safety Code § 2700, et seq., (“Act”).

Founded 25 years ago, Fairplay is a national, independent nonprofit organization dedicated to protecting children from unfair commercial practices in media and digital environments, social media especially, where it is a nationally recognized expert. Fairplay engages in research, regulatory advocacy, coalition building, and public education addressing social media design, children’s privacy, algorithmic amplification, AI deployment, and related harms.

OSMS is a nationwide nonprofit organization founded in 2017 that protects the public from the harms associated with social media use. Emphasizing children, OSMS advances its mission through education, advocacy, research, and technology

1 development.

## 2 STANDARD FOR GRANTING PLAINTIFFS' MOTIONS

3 Plaintiffs' Motions for Preliminary Injunction ("Motions") seek "an  
4 extraordinary and drastic remedy, one that should not be granted unless the movant,  
5 *by a clear showing*, carries the burden of persuasion." *Lopez v. Brewer*, 680 F.3d 1068,  
6 1072 (9th Cir. 2012) (emphasis in original and citation omitted). "[Plaintiffs] must  
7 demonstrate that: 1) [they are] likely to succeed on the merits ...;2) [they are] likely to  
8 suffer irreparable harm in the absence of preliminary relief; 3) the balance of equities  
9 tips in [their] favor; and 4) that an injunction is in the public interest." *Id.* "Under the  
10 'serious questions' variation of the test, a preliminary injunction is proper if ... the  
11 balance of hardships tips sharply in favor of the plaintiff; and the injunction is in the  
12 public interest." *Id.*

## 13 ARGUMENT

### 14 I. IF EVER THERE WAS A CASE WHERE THE BALANCE OF EQUITIES 15 AND THE PUBLIC INTEREST WEIGHED AGAINST PRELIMINARILY 16 ENJOINING A LAW, THIS CASE IS IT

17 Plaintiffs seek to enjoin the protective benefits of the Act for children. Plaintiffs,  
18 therefore, seek to expose children for an indeterminate amount of time to the status  
19 quo, where Plaintiffs, without a parent's consent, are free to use a technology that  
20 causes children to become addicted to Plaintiffs' products. These products are  
21 contributing, in the words of a recent Surgeon General, to a child health "emergency"<sup>1</sup>

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26 <sup>1</sup> Dr. Vivek Murthy, *Surgeon General: Why I'm Calling for a Warning Label on*  
27 *Social Media Platforms*, N.Y. TIMES (Jun. 17, 2024), available at  
28 <https://www.nytimes.com/2024/06/17/opinion/social-media-health-warning.html>.

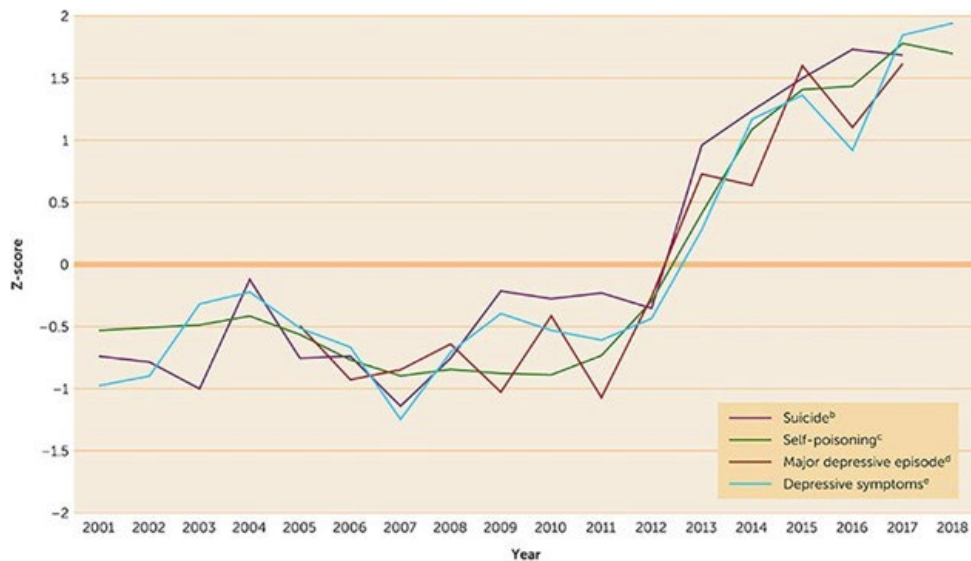
1 and “crisis”<sup>2</sup> whereby children *en masse* in unprecedented numbers are dying by  
2 suicide and suffering life-enduring mental health damage.

3 Equity and the public interest demand rejection not an ambrace lasting many  
4 years of the status quo. Properly benchmarked by the current “emergency” and “crisis,”  
5 Plaintiffs’ Motions should be denied.

6 **A. The Status Quo Is, En Masse, Causing Irrevocable Mental Health**  
7 **Harm, Including Suicides, to Countless Children**

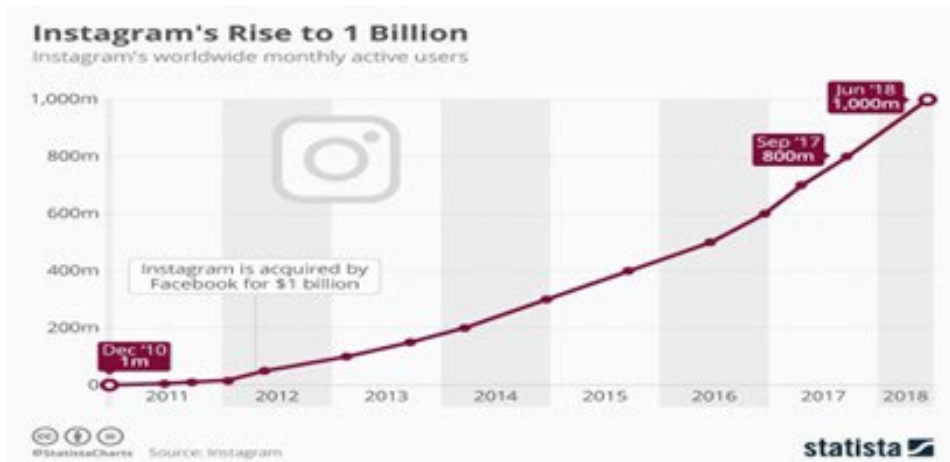
8 To visualize the “emergency” and “crisis” Plaintiffs seek to preserve, consider  
9 what began to happen around 2011, as shown by these two charts:

10 **Indicators of poor mental health among U.S. girls and young women, 2001–**  
11 **2018 (note, before COVID)<sup>3</sup>**



21 <sup>2</sup> U.S. Dep’t of Health & Hum. Servs., Off. of the Surgeon Gen., *Social Media and*  
22 *Youth Mental Health: The U.S. Surgeon General’s Advisory*, 13 (2023) [hereinafter,  
23 Surgeon General 2023], available at [https://www.hhs.gov/sites/default/files/sg-youth-](https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf)  
24 [mental-health-social-media-advisory.pdf](https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf).

25 <sup>3</sup> Jean M. Twenge, *Increases in Depression, Self-Harm, and Suicide Among U.S.*  
26 *Adolescents After 2021 and Links to Technology Use: Possible Mechanisms*, 2  
27 *Psychiatric Rsch. & Clinic Prac.*, at 19–25 (Summer 2020), available at  
28 <https://psychiatryonline.org/doi/full/10.1176/appi.prcp.20190015>.



When it comes to the spike in girls and young women suicides shown above, know that within that spike is this: between 2011 and 2020, there was a 146% increase in the number of our young children, 10 to 14 years of age, who died by their own young hands using firearms.<sup>5</sup>

**B. There Is a Cause-and-Effect Relationship Between These Two Charts**

The scientific consensus is that overuse of social media by children is a cause of the current unprecedented spike in child suicides, major depression, and mental health damage. A California legislative committee’s analysis of the Act quotes the Surgeon General as affirming the cause-and-effect relationship found to exist by the

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<sup>4</sup> Felix Richter, *Instagram’s Rise to 1 Billion*, Staista (Jun. 21, 2018), available at <https://tinyurl.com/2rmms6wd>.

<sup>5</sup> Li Cohen, *Firearm Suicide Among America’s Youth Has Hit Its Highest Rate in 20 Years, Report Finds*, CBS News (June 2, 2022, 12:24 PM EDT), available at <https://www.cbsnews.com/news/youth-suicide-firearm-highest-rate-in-20-years-everytown-report/>.

1 Legislature.<sup>6</sup> Quoting from the Surgeon General, the analysis states:

2 “The mental health crisis among young people is an emergency — and  
3 social media has emerged as an important contributor. Adolescents who  
4 spend more than three hours a day on social media face double the risk  
5 of anxiety and depression symptoms, and the average daily use in this  
6 age group, as of the summer of 2023, was 4.8 hours. Additionally, nearly  
7 half of adolescents say social media makes them feel worse about their  
8 bodies.”

9 \* \* \*

10 The Surgeon General concluded: “The moral test of any society is how  
11 well it protects its children. . . . We have the expertise, resources and  
12 tools to make social media safe for our kids. Now is the time to summon  
13 the will to act.”

14 This bill [SB 976, the Act] answers that call.<sup>7</sup>

15 The Surgeon General’s cause-and-effect opinion echoes the current scientific  
16 consensus. Consider a recent meta-analysis of the mental health damage done to both  
17 children and adults by over-exposure to the short-form videos that now dominate social  
18 media:

19 The resurgence of short-form videos (SFVs) ... has transformed social  
20 media platforms, with features like Instagram Reels and YouTube

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21 <sup>6</sup> See the Act’s uncodified Findings and Declarations, Section 1(b): “some social  
22 media platforms ... include addictive features, including the algorithmic delivery of  
23 content and other design features, that pose a significant risk of harm to the mental  
24 health and well-being of children and adolescents.” Available at  
25 [https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill\\_id=202320240S  
26 B976&showamends=true](https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240SB976&showamends=true).

27 <sup>7</sup> Assem. Comm. on Privacy & Consumer Prot., Bill Analysis of S.B. 976, 2023–2024  
28 Reg. Sess. (Cal. Jul. 2, 2024) (quoting Dr. Vivek Murthy, *Surgeon General: Why I’m  
Calling for a Warning Label on Social Media Platforms*, N.Y. Times (Jun. 17, 2024),  
available at [https://www.nytimes.com/2024/06/17/opinion/social-media-health-  
warning.html](https://www.nytimes.com/2024/06/17/opinion/social-media-health-warning.html)).

1 Shorts fostering their widespread adoption. ... [T]heir design ... has  
2 raised concerns about addiction and negative health implications. ...  
3 This systematic review and meta-analytic investigation comprised data  
4 from 98,299 participants across 71 studies. Increased SFV use was  
5 associated with poorer cognition[.]... Similarly, increased SFV use was  
6 associated with poorer mental health [], with stress [] and anxiety []  
7 showing the strongest associations. These findings were consistent  
8 across youth and adult samples and across different SFV platforms.<sup>8</sup>

9 In sum, a persuasive and vast body of research affirms the cause-and-effect  
10 relationship between the “emergency” and “crisis” and the overuse of social media by  
11 children. As a 2019 secret Meta presentation conceded: “We make body image issues  
12 worse for one in three teen girls.”<sup>9</sup> Note the phrasing: “we make.” It is an  
13 acknowledgement of causation.

14 **C. “We’re Basically Pushers”:<sup>10</sup> Plaintiffs’ Employees Contradict Plaintiffs’  
15 Litigation Claims About Platform Addiction and Align with What The  
16 Rest of the World Has Concluded**

17 Plaintiffs’ efforts in their Motions to dismiss the addictive nature of their  
18 products<sup>11</sup> should be given little weight because, as the Defendant painstakingly  
19

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20 <sup>8</sup> Lan Nguyen et al., *Feeds, Feelings, and Focus: A Systematic Review and Meta-*  
21 *Analysis Examining the Cognitive and Mental Health Correlates of Short-Form*  
22 *Video Use*, 151 PSYCHOL. BULL. 1125, 1125 (2025), available at  
23 <https://pubmed.ncbi.nlm.nih.gov/41231585/>.

24 <sup>9</sup> Georgia Wells, Jeff Horwitz & Deepa Seetharaman, *Facebook Knows Instagram Is*  
25 *Toxic for Teen Girls, Company Documents Show*, WALL ST. J. (Sept. 14, 2021),  
26 available at <https://tinyurl.com/WSJ-Facebook-Knows>.

27 <sup>10</sup> *In re Social Media Adolescent Addiction/Pers. Injury Prods. Liab. Litig.*, No. 4:22  
28 md 03047 YGR (N.D. Cal. Nov. 21, 2025) [hereinafter Social Media MDL] (Pls.’  
Corrected Omnibus Opp. to Defs.’ Mots. for Summ. J.), at 6 [ECF No. 2480].

<sup>11</sup> *See, e.g.*, Google’s Complaint ¶ 57 [ECF No. 6], Meta’s Complaint ¶¶ 21–22 [ECF  
No. 1].

1 documents in his Omnibus Opposition,<sup>12</sup> Plaintiffs’ own employees privately, bluntly  
2 *and repeatedly*, contradict such dismissals; a persuasive example of why children  
3 should not be denied the life- preserving benefits of the Act without a full evidentiary  
4 record.

5 Moreover, Plaintiffs’ employees’ admissions about the addictive qualities of  
6 Plaintiffs’ offerings are in line with the scientific consensus.

7 First, consider that “[a]dolescence is ... associated with an increased risk for...  
8 addictive disorders.”<sup>13</sup> Plaintiffs do not contest this.

9 Second, as exhaustively discussed in Defendant’s Omnibus Opposition,<sup>14</sup> for  
10 more than a decade, researchers have documented problematic social network site use,  
11 “defined as a disorder that does not involve ingestion of a psychoactive substance and  
12 shares qualities related to behavioral addiction.”<sup>15</sup>

13 That social media can be addictive, especially to children, is now the consensus  
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18 <sup>12</sup> Defendant’s Omnibus Opposition to Plaintiffs’ Motions for Preliminary Injunction,  
19 filed Feb. 20, 2026 [ECF No. 45] (Def. Omb. Opp.), at 4–6, 20–22.

20 <sup>13</sup> Christopher J. Hammond et al., *Neurobiology of Adolescent Substance Use and*  
21 *Addictive Behaviors: Prevention and Treatment Implications*, 25 ADOLESC. MED.  
22 STATE ART REV. 15 (2014), available at  
23 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4446977/>.

24 <sup>14</sup> Def. Omb. Opp., at 6, 20–25.

25 <sup>15</sup> Zaheer Hussain & Mark D. Griffiths, *Problematic Social Networking Site Use and*  
26 *Comorbid Psychiatric Disorders: A Systematic Review of Recent Large-Scale*  
27 *Studies*, 9 FRONTIERS PSYCHIATRY 686, 2 (2018), available at  
28 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6302102/pdf/fpsyt-09-00686.pdf>.

1 view. Consider the conclusions of the U.S. Senate’s Republican Policy Committee:<sup>16</sup>



5 OCTOBER 5, 2021

## 6 AN ADDICTION MACHINE

7 Social media companies use artificial intelligence to determine people’s interests and desires, and then they feed users content  
8 that fulfills those desires. Experts say this can be particularly problematic for adolescents, who may lack the self-discipline and  
maturity needed to stop watching the content.

9 Research has suggested that some people experience addiction to social media in ways that are similar to addiction to drugs and  
10 other substances. According to one British study, these include “neglect of personal life, mental preoccupation, escapism, mood  
11 modifying experiences, tolerance, and concealing the addictive behavior.” People who stop using social media can also appear to  
suffer psychological symptoms of withdrawal, a common occurrence for drug and other addictions.

12 India is considering age-based limits on social media to address “digital  
13 addiction.”<sup>17</sup> So are Australia, France, Spain, and Denmark.<sup>18</sup> The European  
14 Parliament observes:

15 The addictive nature of online platforms can lead users to develop an  
16 addiction that severely impacts their wellbeing and social relationships.

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17 <sup>16</sup> Senate Republican Policy Comm., *Social Media and Mental Health* (Oct. 5, 2021),  
18 available at [https://www.rpc.senate.gov/policy-papers/social-media-and-mental-](https://www.rpc.senate.gov/policy-papers/social-media-and-mental-health)  
19 [health](https://www.rpc.senate.gov/policy-papers/social-media-and-mental-health).

20 <sup>17</sup> CNBC, *Modi Ally Proposes Social Media Ban for India’s Teens as Global Debate*  
21 *Grows* (Jan. 31, 2026), available at [https://www.cnbc.com/2026/01/31/modi-ally-](https://www.cnbc.com/2026/01/31/modi-ally-proposes-social-media-ban-for-indias-teens.html#:~:text=India%2C%20the%20world’s%20second%2Dbiggest,a%20minimum%20age%20for%20access)  
22 [proposes-social-media-ban-for-indias-](https://www.cnbc.com/2026/01/31/modi-ally-proposes-social-media-ban-for-indias-teens.html#:~:text=India%2C%20the%20world’s%20second%2Dbiggest,a%20minimum%20age%20for%20access)  
23 [teens.html#:~:text=India%2C%20the%20world’s%20second%2Dbiggest,a%20minimu-](https://www.cnbc.com/2026/01/31/modi-ally-proposes-social-media-ban-for-indias-teens.html#:~:text=India%2C%20the%20world’s%20second%2Dbiggest,a%20minimum%20age%20for%20access)  
24 [m%20age%20for%20access](https://www.cnbc.com/2026/01/31/modi-ally-proposes-social-media-ban-for-indias-teens.html#:~:text=India%2C%20the%20world’s%20second%2Dbiggest,a%20minimum%20age%20for%20access).

25 <sup>18</sup> Shona Ghosh & Daniel Basteiro, *Move to Ban Social Media for Kids Gains*  
26 *Traction in Europe*, BLOOMBERG (Feb. 4, 2026), available at  
27 [https://www.bloomberg.com/news/articles/2026-02-04/europe-takes-on-tech-with-](https://www.bloomberg.com/news/articles/2026-02-04/europe-takes-on-tech-with-social-media-bans-and-paris-raid-on-x)  
28 [social-media-bans-and-paris-raid-on-x](https://www.bloomberg.com/news/articles/2026-02-04/europe-takes-on-tech-with-social-media-bans-and-paris-raid-on-x).

1 Internet addiction exhibits similar underlying neurophysiological  
2 processes to other addictions (e.g. substance addiction), and young age is  
3 a significant risk factor.<sup>19</sup>

4 When it comes to Plaintiffs’ AI-written, content delivery algorithms Defendant  
5 has yet again exhaustively catalogued,<sup>20</sup> both the scientific consensus that such  
6 algorithms contribute to addiction in children and that Plaintiffs’ own employees echo  
7 that consensus about them being addictive. Policymakers across the globe have  
8 reached similar conclusions. The European Commission recently issued a finding that  
9 TikTok’s “addictive design,” which includes its “highly personalised recommender  
10 system,” is in breach of the Digital Services Act.<sup>21</sup> The European Parliament warns  
11 that Plaintiffs’ algorithms are “preying on children’s vulnerabilities with the explicit  
12 purpose of creating addictions.”<sup>22</sup> Citing a 2024 study, the Parliament highlights “the  
13 implementation of self-learning, adaptive algorithms (e.g. personalized content feeds)”  
14 as addictive.

15 In sum, respectfully, the Court should not favor a litigation created record over  
16 the scientific consensus, the repeated admissions of Plaintiffs’ own employees and

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17 <sup>19</sup> European Parliamentary Research Serv., *Youth and Social Media*, 7 (Tarja  
18 Laaninen with Joris Bol), EUR. PARL. DOC. PE 779.235 (Dec. 1, 2025), available at  
19 [https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779235/EPRS\\_BRI%282025%29779235\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779235/EPRS_BRI%282025%29779235_EN.pdf).

21 <sup>20</sup> Def. Omb. Opp., at 20–25.

22 <sup>21</sup> European Commission, *Commission Preliminarily Finds TikTok’s Addictive*  
23 *Design in Breach of the Digital Services Act* (Feb. 5, 2026), available at  
24 [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_26\\_312](https://ec.europa.eu/commission/presscorner/detail/en/ip_26_312).

25 <sup>22</sup> See European Parliamentary Research Serv., *Youth and Social Media*, (Tarja  
26 Laaninen with Joris Bol), EUR. PARL. DOC. PE 779.235 (Dec. 1, 2025), available at  
27 [https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779235/EPRS\\_BRI%282025%29779235\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/779235/EPRS_BRI%282025%29779235_EN.pdf).

1 internal experts, and the consensus of policymakers all over the world concluding that  
2 Plaintiffs’ products are addictive, especially to children, and that Plaintiffs’ AI-written,  
3 content delivery algorithms are a cause of that addiction.

4 **D. Being Addicted to Social Media Means It Is Far Harder for Children to**  
5 **Overcome Many Social Media-Related Dangers**

6 Addiction to social media means many of our most vulnerable children are  
7 repeatedly drawn to a place where their vulnerabilities will be exploited by those  
8 seeking to do them harm. This is why it is important to “shield young people from  
9 online harassment, abuse and exploitation and from exposure to extreme violence and  
10 sexual content that too often appears in algorithm-driven feeds[.]”<sup>23</sup>

11 While pro-eating disorder content<sup>24</sup> and purchasing drugs laced with lethal  
12 fentanyl<sup>25</sup> are among the many lethal dangers on Plaintiffs’ products, space permits a

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14 <sup>23</sup> Assemb. Comm. on Privacy & Consumer Protection, Analysis of S.B. 976, 2023–  
15 2024 Reg. Sess., at 1 (Cal. Assemb. July 2, 2024) (quoting U.S. Surgeon General  
16 Vivek Murthy).

17 <sup>24</sup> Researchers set up new accounts in the United States, United Kingdom, Canada,  
18 and Australia at the minimum age TikTok allows, 13 years old. “These accounts  
19 paused briefly on videos about body image and mental health, and liked them. What  
20 we found was deeply disturbing. Within a mere 2.6 minutes, TikTok recommended  
21 suicide content.” Center for Countering Digital Hate, *Deadly by Design: TikTok*  
22 *Pushes Harmful Content* (2022), available at [https://counterhate.com/wp-](https://counterhate.com/wp-content/uploads/2022/12/CCDH-Deadly-by-Design_120922.pdf)  
23 [content/uploads/2022/12/CCDH-Deadly-by-Design\\_120922.pdf](https://counterhate.com/wp-content/uploads/2022/12/CCDH-Deadly-by-Design_120922.pdf). This is an important  
24 aspect to “addictive feeds”: they send to children content *they did not seek* if the AI  
25 has its own reasons to think it will keep a child online.

26 <sup>25</sup> Jan Hoffman, *Fentanyl Tainted Pills Bought on Social Media Cause Youth Drug*  
27 *Deaths to Soar*, N.Y. TIMES (May 19, 2022), available at  
28 <https://www.nytimes.com/2022/05/19/health/pills-fentanyl-social-media.html>.

1 detailed discussion of only one such specific danger: child sex trafficking. As one  
2 investigation found:

3 [A] child can be trafficked right in the comfort of their own home.

4 **“I think the biggest risk is through social media,”** said Michael Syrax,  
5 FBI Special Agent, Violent Crimes Against Children Division.

6 “Some of these children are recruited through Facebook, Instagram, and  
7 other social media outlets, much in the same way that a person would  
interact with them in real life,” Syrax said.<sup>26</sup>

8 In 2023, *The Wall Street Journal* published “Instagram Connects Vast  
9 Pedophile Network.” This investigation documented how just three academics working  
10 part-time with only public access to Instagram were easily able to find these horrors:

11 • “Some menus include prices for videos of children harming themselves  
12 and ‘imagery of the minor performing sexual acts with animals’.”

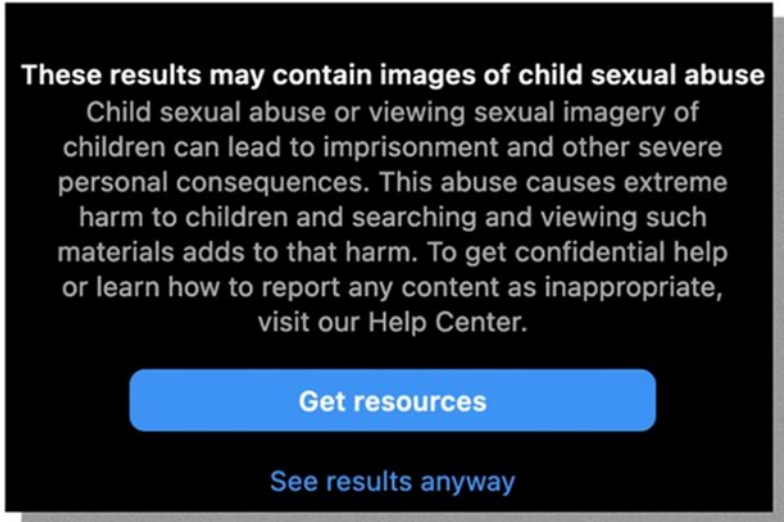
13 • “The researchers found that Instagram enabled people to search explicit  
14 hashtags such as #pedowhore and #preteensex and connected them to accounts that  
15 used the terms to advertise child-sex material for sale.”

16 • As *The Journal* documented, even when Facebook identified sex abuse  
17 content, it enabled users to **“See results anyway”**:

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25 <sup>26</sup> Ken Houston, *Children of Color at a Higher Risk of Child Sex Trafficking*, WTNH  
26 (May 10, 2022, updated May 11, 2022) (emphasis added), available at  
27 [https://www.wtnh.com/news/child-sex-trafficking-reality/children-of-color-at-a-](https://www.wtnh.com/news/child-sex-trafficking-reality/children-of-color-at-a-higher-risk-of-child-sex-trafficking/)  
28 [higher-risk-of-child-sex-trafficking/](https://www.wtnh.com/news/child-sex-trafficking-reality/children-of-color-at-a-higher-risk-of-child-sex-trafficking/).

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• *The Journal's* conclusion: “Instagram doesn’t merely host these activities. Its algorithms promote them. Instagram connects pedophiles and guides them to content sellers via recommendation systems that excel at linking those who share niche interests[.]”<sup>27</sup>

It is important to note that the average age of child sex trafficking victims is 13–14.<sup>28</sup>

It is challenging in a public document to describe how terribly these children suffer. It is, therefore, challenging to describe how much the equities and public interest disfavor permitting Plaintiffs, contrary to law, the freedom to use techniques that addict children into returning again and again to what can be an exceedingly dangerous place for them:

Most members of the public will never see [child sexual abuse material] ... The images and videos that are reported are not merely sexually

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<sup>27</sup> Jeff Horwitz & Katherine Blunt, *Instagram Connects Vast Pedophile Network*, WALL ST. J. (June 7, 2023), available at <https://www.wsj.com/tech/instagram-vast-pedophile-network-4ab7189>.

<sup>28</sup> *Facts & Figures*, Youth Underground, available at <https://youth-underground.com/facts-figures/> (last visited Feb. 23, 2026).

1 suggestive or older teenagers who “look young.” This content depicts  
2 crime scene activity. Children — including those who are too young to  
3 call for help — are raped, abused, and exploited in this imagery[.]<sup>29</sup>

4 The point: when a platform is addictive, it is, by definition, far harder for a  
5 particularly vulnerable child who is (for example) being recruited by traffickers to stay  
6 away from the very place where the traffickers are recruiting her. The same is true for  
7 children trying to resist eating disorders, drug addiction, and suicide.

## 8 **II. PLAINTIFFS’ CONSTITUTIONAL CLAIMS ARE UNLIKELY TO PREVAIL**

9 Plaintiffs argue that the Act’s parental consent provisions unconstitutionally (i)  
10 restrict their right to deliver AI-curated content to children without parent  
11 involvement and (ii) violate a child’s right to receive whatever content a Plaintiff may  
12 elect to send them. *See, e.g.*, Pl. Meta Platforms, Inc.’s Mot. for Prelim. Inj. at 2–3, 9,  
13 16 [ECF No. 19]. Plaintiffs cannot “clearly show” they will prevail on these arguments.

14 1. No case cited or found has held that the First Amendment protects the  
15 ability of corporations *to addict* people, let alone children, to their products while  
16 communicating otherwise First Amendment-protected speech; a necessary and novel  
17 aspect of Plaintiffs’ First Amendment claims they do not confront.

18 2. No case cited or found has ever categorically held that the law may not,  
19 in any fashion whatsoever, restrain an adult from, for example, standing in front of an  
20 elementary school handing out pamphlets that showcase pornography, sex trafficking  
21 recruitment, or drug use boosting material. Nor has any case cited or found held that  
22 children have an unqualified right to obtain every form of content from any stranger.  
23 To a significant degree, the law is otherwise. *See, e.g., Sable Comm’n of Cal., Inc. v.*

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25 <sup>29</sup> Michelle DeLaune, Testimony Before the S. Comm. on the Judiciary, *Protecting*  
26 *Our Children Online*, at 2–3 (Feb. 14, 2023), available at  
27 [https://www.missingkids.org/content/dam/missingkids/pdfs/Senate%20Judiciary%20](https://www.missingkids.org/content/dam/missingkids/pdfs/Senate%20Judiciary%20Hearing%20-%20NCMEC%20Written%20Testimony%20(2-14-23)%20(final).pdf)  
28 [Hearing%20-%20NCMEC%20Written%20Testimony%20\(2-14-23\)%20\(final\).pdf](https://www.missingkids.org/content/dam/missingkids/pdfs/Senate%20Judiciary%20Hearing%20-%20NCMEC%20Written%20Testimony%20(2-14-23)%20(final).pdf).

1 *FCC*, 492 U.S. 115, 126 (1989) (recognizing a “compelling interest in protecting the  
2 physical and psychological well-being of minors” and stating that this “interest extends  
3 to shielding minors from the influence of literature that is not obscene by adult  
4 standards”).

5 3. Nor, relatedly, has any case cited or found held that Plaintiffs have a  
6 First Amendment-based entitlement to use their child-harming but preferred AI-  
7 written, content delivery technique when less harmful techniques exist. *See, e.g.*, Def.  
8 Omb. Opp. at 7 (“a Meta study revealed how “[r]epeatedly over the past year . . . we’ve  
9 heard teens complain bitterly about Instagram’s nonchronological feed”). The Act  
10 provides examples of content-delivery systems that would not qualify as addictive. Cal.  
11 Health & Safety Code § 27000.5(a)(1), (2), (3), (4), and (6).

12 4. Nor have Plaintiffs “clearly shown” what First Amendment-protected  
13 communications *of their own* are being hampered by the Act. Meta employees, for  
14 example, reveal that “the algorithm is absolutely tuned to maximize engagement in a  
15 maximally empirical, principle-less way.”<sup>30</sup> As this Court has observed:

16 What if someone creates an algorithm to maximize engagement, *i.e.*, the  
17 time spent on a social media platform? At that point, it would be hard to  
18 say that the algorithm reflects any message from its creator because it  
19 would recommend and amplify both favored and disfavored messages  
alike so long as doing so prompts users to spend longer on social media.

20 *NetChoice v. Bonta*, 761 F. Supp. 3d 1202, 1222 (N.D. Cal. 2024).

21 5. Relatedly, Justice Barrett’s concurrence in *Moody v. NetChoice, LLC*,  
22 603 U.S. 707, 746 (2024) recognized that the use of AI technology for content delivery  
23 may “attenuate the connection” between content delivery and constitutionally  
24 protected expression. Plaintiffs have failed to “clearly show” that, in the words of the  
25 Justice (*id.*), humans are sufficiently “at the reins” in making the billions of decisions  
26 every nanosecond that conclusively determine, based entirely on a “maximally

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27 <sup>30</sup> Social Media MDL, *supra* note 10 at 36 (quoting Meta internal doc. at 6686).  
28

1 empirical, principle-less” basis, who sees what, for Plaintiffs’ First Amendment rights  
2 to be so decisively implicated to warrant the “drastic” remedy they seek.

3 **III. PLAINTIFFS TOUT VARIOUS CHILD PROTECTING TOOLS; THEY DON’T**  
4 **WORK, AND NOBODY USES THEM**

5 Finally, Plaintiffs tout a variety of “built-in protections” that supposedly limit  
6 who can contact teens, restrict what they can see, and require parental permission to  
7 relax default safety settings.<sup>31</sup>

8 Plaintiffs’ employees know their tools do not work. A 2019 internal Meta  
9 document said, “[c]urrent research shows that the tools we have are hard to find.”<sup>32</sup>  
10 TikTok employees have previously described their own Family Pairing tools as “kinda  
11 useless.”<sup>33</sup> An internal Google document said “the reminders are presented in way that  
12 incentivizes dismissal and continued content consumption, rather than choosing to end  
13 a session.”<sup>34</sup>

14 Independent evaluations also show Plaintiffs’ alleged protections do not function  
15

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16 <sup>31</sup> *Meta Platforms, Inc. v. Bonta*, No. 5:25-cv-09792-EJD (N.D. Cal. Nov. 18, 2025)  
17 [ECF No. 19], Meta Platforms, Inc.’s Motion for Preliminary Injunction at 7–8,  
18 Declaration of Sayed Otaru ¶¶ 4–12, Declaration of Arcadiy Kantor ¶¶ 3–11; *TikTok*  
19 *Inc. v. Bonta*, No. 5:25-cv-09789 EJD (N.D. Cal. Nov. 18, 2025) [ECF No. 20],  
20 Declaration of Khoi Nguyen ¶¶ 3–15; TikTok Inc.’s Motion for Preliminary  
21 Injunction at 7–8, 21–22; Declaration of Mikaela Schiller ¶¶ 3–8, 9–12; *Google LLC*  
22 *& YouTube, LLC v. Bonta*, No. 5:25-cv-09795 EJD (N.D. Cal. Nov. 13 & 18, 2025)  
23 [ECF Nos. 23 and 6], Google LLC’s and YouTube, LLC’s Motion for Preliminary  
24 Injunction 3–7, 18–21; Declarations of Cristos Goodrow ¶¶ 24–31 and Alexandra  
25 Veitch ¶¶ 9, 16–19, Corrected Complaint ¶¶ 8–31.

26 <sup>32</sup> Social Media MDL, *supra* note 10 at 68.

27 <sup>33</sup> *Id.* at 109.

28 <sup>34</sup> *Id.* at 192.

1 as advertised. “[T]he current measures on TikTok, particularly the screentime  
2 management tools and parental control tools, do not seem to effectively reduce the risks  
3 of addictive design.”<sup>35</sup> A 2025 report by Fairplay concluded that two-thirds of Meta’s  
4 safety tools were ineffective.<sup>36</sup> The report found that “Teen Accounts still  
5 algorithmically recommended a broad range of harmful content, even when the  
6 strictest Sensitive Content Controls were in place.”<sup>37</sup> Likewise, “parental accounts  
7 were not provided with any indication that potentially harmful and age-inappropriate  
8 categories of material had been recommended to the Teen Account, including... violent,  
9 graphic, and suicide and self-injury material[.]”<sup>38</sup> A May 2025 *Washington Post* article  
10 describing research from Design It for Us observed that Instagram’s Teen Accounts  
11 can’t be relied upon to protect children because the dangers they face aren’t just bad  
12 people on the internet; “it’s also the app’s recommendation algorithm[s], which decides  
13 what your kids see and demonstrates the frightening habit of taking them in dark  
14 directions.”<sup>39</sup>

15 In its 2025 findings regarding TikTok’s protections, the European Commission  
16 stated that “the current measures on TikTok, particularly the screentime management  
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18 <sup>35</sup> European Commission, *supra* note 21.

19 <sup>36</sup> *Teen Accounts, Broken Promises: How Instagram Is Failing to Protect Minors*,  
20 at 9 (Fairplay; Parents SOS; Molly Rose Found.; Cybersecurity for Democracy 2025),  
21 available at [https://fairplayforkids.org/wp-content/uploads/2025/09/Teen-Accounts-  
22 Broken-Promises-How-Instagram-is-failing-to-protect-minors.pdf](https://fairplayforkids.org/wp-content/uploads/2025/09/Teen-Accounts-Broken-Promises-How-Instagram-is-failing-to-protect-minors.pdf).

23 <sup>37</sup> *Id.* at 37.

24 <sup>38</sup> *Id.* at 40.

25 <sup>39</sup> Geoffrey A. Fowler, *Gen Z Users and a Dad Tested Instagram Teen Accounts.*  
26 *Their Feeds Were Shocking*, WASH. POST (May 18, 2025), available at  
27 [https://www.washingtonpost.com/technology/2025/05/18/instagram-teen-accounts-  
28 test/](https://www.washingtonpost.com/technology/2025/05/18/instagram-teen-accounts-test/).

1 tools and parental control tools, do not seem to effectively reduce the risks stemming  
2 from TikTok’s addictive design.”<sup>40</sup> The Commission further observed that “parental  
3 controls may not be effective because they require additional time and skills from  
4 parents to introduce the controls.”<sup>41</sup>

5 Eighty-one percent of parents do not employ parental controls on social media.<sup>42</sup>  
6 The reason is simple: Plaintiffs make these tools difficult to find and burdensome to  
7 use, and, in any event, “[t]he onus of mitigating the potential harms of social media  
8 should not be placed solely on the shoulders of parents and caregivers.”<sup>43</sup>

9 Plaintiffs’ content reporting mechanisms are no better. Platforms routinely  
10 make reporting tools difficult to locate, use confusing terminology, and fail to respond  
11 to reports in a timely manner, if at all. In its 2025 report, *Child Cruelty by Design*, CAI  
12 found that Facebook, TikTok, and Instagram bury child sex abuse reporting  
13 opportunities and provide little to no transparency about what happens after a  
14 report.<sup>44</sup> Internal evidence reflects the same tolerance for repeat abuse: according to  
15 an Instagram executive, repeat predators could rack up to 16 violations of Instagram’s  
16 prostitution and sexual solicitation prohibitions before their accounts were

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18 <sup>40</sup> European Commission, *supra* note 21.

19 <sup>41</sup> *Id.*

20 <sup>42</sup> Internet Matters, *Protecting Children from Harms Online: Response to Ofcom*  
21 *Consultation 9* (July 2024), available at [https://www.internetmatters.org/wp-](https://www.internetmatters.org/wp-content/uploads/2024/08/Internet-Matters-Online-Harms-Response-Ofcom-Aug-2024.pdf)  
22 [content/uploads/2024/08/Internet-Matters-Online-Harms-Response-Ofcom-Aug-](https://www.internetmatters.org/wp-content/uploads/2024/08/Internet-Matters-Online-Harms-Response-Ofcom-Aug-2024.pdf)  
23 [2024.pdf](https://www.internetmatters.org/wp-content/uploads/2024/08/Internet-Matters-Online-Harms-Response-Ofcom-Aug-2024.pdf).

24 <sup>43</sup> Surgeon General 2023, *supra* note 2 at 17.

25 <sup>44</sup> Univ. of San Diego Sch. of Law Children’s Advocacy Institute, *Child Cruelty by*  
26 *Design: Big Tech’s Defiance of California’s Child Online Safety Mandates* (Aug. 25,  
27 2025), available at [https://catcher.sandiego.edu/items/usdlaw/08112025-](https://catcher.sandiego.edu/items/usdlaw/08112025-Child_Cruelty_By_Design_Report.pdf)  
28 [Child\\_Cruelty\\_By\\_Design\\_Report.pdf](https://catcher.sandiego.edu/items/usdlaw/08112025-Child_Cruelty_By_Design_Report.pdf).

1 suspended.<sup>45</sup> European regulators have documented parallel failures. “When it comes  
2 to Meta, neither Facebook nor Instagram appear to provide a user-friendly and easily  
3 accessible ‘Notice and Action’ mechanism for users to flag illegal content, such as child  
4 sexual abuse material and terrorist content.”<sup>46</sup>

5 **IV. CONCLUSION**

6 As quoted above, the Surgeon General has correctly stated, “[t]he moral test of  
7 any society is how well it protects its children.” To pass this moral test, a balancing of  
8 equities and the public interest cannot embrace Plaintiffs’ effort indefinitely to suspend  
9 the operation of narrowly targeted legislation enacted to benefit children when, science  
10 tells us, their mental health and their very lives are right now, en masse, imperiled by  
11 Plaintiffs’ products.

12 Plaintiffs’ Motions should be denied.

13 Respectfully submitted,

14  
15 DATED: February 26, 2026

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25 <sup>45</sup> Social Media MDL, *supra* note 10 at 60–61.

26 <sup>46</sup> European Commission, Press Release, *Commission Preliminarily Finds TikTok*  
27 *and Meta in Breach of Their Transparency Obligations Under the Digital Services*  
28 *Act* (Oct. 23, 2025), available at  
[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_25\\_2503](https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2503).

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