

Technology,  
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## Mounting litigation and legislative action against social media that's harming kids is justified

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Our nation - in particular teenagers and young adults - is addicted to social media.

According to the Pew Research Center, 95% of teens today use social media platforms. Although age 13 is typically the required minimum age to use social media, up to 40% of children ages eight to 12 use some form of social media.

Additional data reveals that excessive use of social media can lead to anxiety, depression, body dysmorphia, sleep deprivation, reduced productivity, relationship problems and increased risk of suicide.

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As a result, the U.S. Surgeon General Vivek Murthy recently issued a new advisory warning that social media use presents a "profound risk of harm" for youngsters and is a main contributor to depression, anxiety and other problems amongst the nation's teenagers.

*"The most common question parents ask me, 'is social media safe for my kids?' The answer is that we don't have enough evidence to say it's safe, and in fact, there is growing evidence that social media use is associated with harm to young people's mental health," said **Murthy in the report** . "Children are exposed to harmful content on social media, ranging from violent and sexual content, to bullying and harassment. And for too many children, social media use is compromising their sleep and valuable in-person time with family and friends. We are in the middle of a national youth mental health crisis and I am concerned that social media is an important driver of that crisis - one that we must urgently address."*

*The Surgeon General's report was released as increasing numbers of states - including California - concentrate on tightening and enforcing social media regulations.*

## **Pressure mounts on big tech**

A spate of federal and state laws has emerged to help keep children safe online - and hold media companies, including Facebook, Instagram, YouTube, Snapchat, TikTok and others - accountable.

California lawmakers recently voted to proceed with an updated version of SB 287, a bill that examines how social media companies serve up content to young people under 18. And last year Governor Newsom signed a social media transparency measure (AB 587) designed to protect hate and disinformation from spreading online. AB 587 requires social media companies to publicly post their policies about hate speech, discrimination, harassment and extremism and report data on enforcement of policies.

Federal efforts to pass children's online safety protections have also gained momentum - with multiple house and senate bills focused on online children's safety. Regulation aimed at holding social media companies accountable is one of the few policy issues Republicans and Democrats can agree upon.

With a surge of proposed regulations, pressure is increasing on the social media giants - with more and more lawsuits filed as parents worry that apps are purposefully designed to be addictive.

The growing concern is justified. Social media companies are aware of the harms of addiction, but they continue to design their platforms to bolster engagement, even if it means putting users at risk. It behooves tech companies to keep consumers of all ages on their platforms, since the more time users remain on a site or app, the more advertising revenue they generate. The ongoing barrage of updates, memes, images and ads is no accident, experts say, but part of an overall strategy implemented to maximize the amount of time people spend on their phones - despite the fact that such time may be detrimental to mental health and well-being.

In 2021, whistleblower Frances Haugen, a former employee of META (Facebook and Instagram) [confirmed allegations](#) that social media companies were aware of addictive behaviors in their younger audience and intentionally designed algorithms to encourage more use. Rather than implement safeguards on its platforms, the company hid internal research that revealed the detriments of Facebook and its products. The report included research findings implying social media addiction negatively impacted the mental well-being of children resulting in side effects such as depression, suicidal thoughts and suicide, and antisocial behavior and anxiety. In fact, social media platforms have been accused of designing their products to work like a drug, with Big Tech compared to opioid manufacturers and tobacco companies.

## **Social media giants wield powerful lobby**

Despite a movement to keep children safe online, there are major challenges.

A 1996 law known as Section 230, which states that "no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider," shields social media companies from being sued over what their users post.

And the Big Tech lobby is formidable, with many tech trade groups working hard to stall new legislation. In total, the tech giants spent nearly \$70 million in lobbying the government last year - much of it in an effort to mitigate content moderation.

Tech lobbyists also claim social media regulation is contrary to the First Amendment, which gives Americans the right to express opinions without government censorship.

## **Litigation consolidated**

Plaintiffs' lawyers in a national multidistrict litigation (MDL) against some of the world's largest social media platforms filed a master complaint earlier this year alleging that these companies were creating products that have spawned a mental health crisis amongst youth. The MDL consolidates dozens of lawsuits in the U.S. District Court for the Northern District of California, for coordinated discovery and pretrial proceedings. All of the defendants in this case also face a multitude of personal injury lawsuits consolidated for litigation in the Superior Court of California for the County of Los Angeles. In California, lawsuits combined and tried together are known as Judicial Council Coordinated Proceedings (JCCP), similar to a federal MDL.

The current JCCP is the second attempt at holding tech companies accountable for the intentional design of social media platforms to increase use and addictive behavior. Last year, California State Senator Nancy Skinner proposed a bill which would allow the attorney general and district attorneys to file civil lawsuits against these companies. Skinner says the bill holds companies liable for their own practices and products.

The original bill was heavily lobbied by the tech industry and ultimately did not pass. This year, Skinner has re-introduced a modified version of the bill (SB 287), which will now also allow for individuals to file lawsuits against social media companies within four years of the alleged harm caused.

## **Conclusion**

The mounting litigation is gaining national momentum.

In addition to individual claimants filing lawsuits, we are seeing growing numbers of school districts around the country seeking recovery for the massive costs being incurred for the increasing amount of physical and mental care for which schools are being obligated to administer to young people.

The depth of the adverse effects on children and young adults is becoming more apparent, further pervasive, and the implications even more devastating.

Ultimately, we need robust state and federal laws to help keep our kids safe in this age of "too much information."