

In the Iowa District Court for Polk County

STATE OF IOWA, *ex rel.*
ATTORNEY GENERAL BRENN A BIRD,

Case No. 24-1522

Plaintiff,

v.


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

PUBLIC REDACTED

Defendants.

**STATE'S MEMORANDUM IN SUPPORT OF MOTION FOR
TEMPORARY INJUNCTION**

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I. Introduction

TikTok lies to Iowa parents.¹ TikTok’s public age rating claims that its app is safe, or at least appropriate, for anyone 12-years old or older. But TikTok serves inappropriate content to Iowa adolescents through a daily dose of videos containing profanity, sex, drugs, alcohol, tobacco, and other mature themes—and it knows that it does so. By lying to Iowa parents about the content available to their children, TikTok has grown into one of the most popular and profitable apps available for download in the Apple App Store. But TikTok’s lies come at the cost of the well-being of tens, if not hundreds, of thousands of young people in Iowa and violate the Iowa Consumer Fraud Act. Given TikTok’s repeated and egregious violations of the Act, the State seeks a temporary injunction to stop TikTok’s ongoing misrepresentations and misleading omissions directed to Iowa consumers.

That is why the State is seeking a temporary injunction to require TikTok to accurately disclose the frequency and intensity of content

¹ As used throughout this brief, “TikTok” refers to all Defendants (TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., ByteDance Ltd., and ByteDance Inc.). There is no separation between and among the Defendant entities, all of which participate in designing, operating, and advertising the TikTok app.

inappropriate for children aged 12–16 in the App Store. The State asks the Court to temporarily enjoin TikTok during the pendency of this case from:

- Claiming in the App Store or elsewhere that the TikTok app contains “Infrequent/Mild Profanity or Crude Humor.”
- Claiming in the App Store or elsewhere that the TikTok app contains “Infrequent/Mild Sexual Content and Nudity.”
- Claiming in the App Store or elsewhere that the TikTok app contains “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References.”
- Claiming in the App Store or elsewhere that the TikTok app contains “Infrequent/Mild Mature/Suggestive Themes.”
- Continuing to claim that TikTok qualifies for a “12+” age rating in the Apple App Store.
- Claiming in the Community Guidelines that TikTok does not allow the promotion of alcohol, tobacco, or drug use.

II. Factual Background

A. In the App Store, TikTok Makes Age-Rating Statements About the Content Available on the TikTok App.

The TikTok app is a social media application made available for Iowa consumers to download in Apple’s App Store. It is extremely popular among young people. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

When TikTok submits its app to the App Store, it self-reports answers about the app’s content and chooses an age rating. [REDACTED]

[REDACTED] Apple tells TikTok (and all other developers) to choose “the age rating of the highest age-rated creator content available in the app.” Ex. 4, App Store Review Guidelines, at 4.

TikTok knows and intends that its answers and age rating will appear on the TikTok page in the App Store and that consumers will view them when deciding whether to download (or allow their children to download) the TikTok app. TikTok chooses to have the following statements displayed on its page in the App Store:

“Infrequent/Mild Profanity or Crude Humor”

“Infrequent/Mild Mature/Suggestive Themes”

“Infrequent/Mild Sexual Content and Nudity”

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

Ex. 5, TikTok App Store Preview.

TikTok also chooses a “12+” age rating for its app, rather than a “17+” age rating. *Id.* Apple defines apps with the “12+” age rating as apps that:

may also contain infrequent mild language, frequent or intense cartoon, fantasy, or realistic violence, infrequent or mild mature or suggestive themes, and simulated gambling, which may not be suitable for children under the age of 12.

Ex. 6, Age Ratings - App Store Preview. By contrast, Apple defines apps with the “17+” age rating as apps that:

may also contain frequent and intense offensive language, frequent and intense cartoon, fantasy, or realistic violence, and frequent and intense mature, horror, and suggestive themes; plus sexual content, nudity, alcohol, tobacco and drugs which may not be suitable for children under the age of 17.

Id.

B. TikTok’s App Store Statements Are False and Deceptive.

Contrary to TikTok’s App Store statements, the TikTok app contains frequent or intense: profanity and crude humor; sexual content and nudity; alcohol, tobacco, and drug use or references; and mature or suggestive themes.

Through its investigator Alberto Perales, the State conducted its own investigation of the content available on the TikTok app. Ex. 7,

Declaration of Alberto Perales. Investigator Perales used a new iPhone to download the TikTok app from the App Store and create a profile as a 13-year-old user. *Id.* Investigator Perales then recorded all his time spent using the TikTok app, including using the app's search function, watching Live videos, and scrolling its individualized and algorithmically driven For You feed. *Id.* By registering as a 13-year-old user, Investigator Perales triggered all the additional measures that TikTok purports to use to protect young users on its app.² Attachments 1–5 to Exhibit 7 (Perales Declaration) are compilations of videos that Investigator Perales viewed on the TikTok app, all while being registered as a 13-year-old user. Those compilations represent only some videos Investigator Perales discovered on the TikTok app. They include frequent and intense profanity and crude humor, sexual content and nudity, alcohol, tobacco, and drug use and references, and mature and suggestive themes.

Under a civil investigative demand issued to TikTok by the Attorney General, the State has also reviewed internal TikTok documents [REDACTED]

² Most young users on the TikTok app do not receive the benefit of these extra measures, however, [REDACTED]

[REDACTED]

Because frequent/intense mature content is available on the TikTok app to users as young as 13-years old, the only appropriate App Store age rating for the TikTok app is “17+.” The only accurate description of TikTok’s content based on the options offered in the App Store’s age-rating questionnaire is that the TikTok app contains “Frequent/Intense Profanity or Crude Humor,” “Frequent/Intense Sexual Content and Nudity,” “Frequent/Intense Alcohol, Tobacco, or Drug Use or References,” and “Frequent/Intense Mature/Suggestive Themes.”

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Defendants continue to improperly claim a “12+” rating for the TikTok app. Investigator Perales’ investigation shows that videos like the ones [REDACTED] [REDACTED] continue to appear often on the TikTok app outside the onboarding process.

D. TikTok’s Community Guidelines Are Also False and Deceptive.

TikTok’s Community Guidelines purport to inform users about what content TikTok permits on the TikTok app. TikTok says the Community Guidelines “apply to everyone and everything on our platform.” Ex. 13, Community Guidelines, Overview, TikTok, at 1. The Community Guidelines also state that: “content moderation is built on four pillars,” which include: “Remove violative content from the platform that breaks our rules.” *Id.* at 1–2. Dispelling any doubt, TikTok’s CEO recently stated publicly that “the community guidelines are *comprehensive* in covering what we think is OK or not OK.” Dexter Thomas, *‘Over Time the Trust Will Come’: An Exclusive Interview with TikTok’s CEO*, WIRED (Feb. 1, 2024), <http://tinyurl.com/bp9r7ad5> (emphasis added).

TikTok makes specific false representations to consumers that certain alcohol, tobacco, and drug content is not allowed on the TikTok app, when [REDACTED]. The Community Guidelines state: “We do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs.” Ex. 13, Community Guidelines, Regulated Goods and Commercial Activities, at 2.

That is a lie. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Community Guidelines also say: “NOT allowed[:] . . . Showing or promoting adults consuming drugs or other regulated substances for a recreational purpose.” Ex. 13, Community Guidelines, Regulated Goods and Commercial Activities, at 3. That statement falsely informs consumers that showing or promoting adults consuming drugs or other regulated substances (including alcohol and tobacco) is not allowed on TikTok. But [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. Legal Standard

Iowa’s Consumer Fraud Act prohibits the use of any “unfair practice, deception, fraud, false pretense, false promise, or misrepresentation, or the concealment, suppression, or omission of a material fact with intent that others rely upon the concealment, suppression or omission, in connection with the . . . lease, sale, or advertisement of any merchandise.” Iowa Code § 714.16(2)(a).

Iowa Rule of Civil Procedure 1.1502 authorizes this Court to impose a temporary injunction “[i]n any case specially authorized by statute.” Iowa R. Civ. P. 1.1502(3). Iowa’s Consumer Fraud Act authorizes a temporary injunction “[i]f it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in a practice declared to be unlawful by this section.” Iowa Code § 714.16(7). To obtain a temporary injunction under the Consumer Fraud Act, the Attorney General need only show that this statutory standard is satisfied because

when “the legislature . . . impose[s] a duty to grant an injunction by specifying conditions in a statute[,] . . . the conditions specified in the statute supersede the traditional equitable requirements.” *Max 100 L.C. v. Iowa Realty Co.*, 621 N.W.2d 178, 181 (Iowa 2001). Indeed, “reliance and damages are not elements which need to be established in an action for restoration or injunctive relief under Iowa Code section 714.16.” *State ex rel. Miller v. Hydro Mag, Ltd.*, 436 N.W.2d 617, 621 (Iowa 1989).

A temporary injunction is also warranted under Iowa Rule of Civil Procedure 1.1502(1). When considering whether to grant a temporary injunction under Rule 1.1502(1), courts generally “apply equitable principles.” *Max 100*, 621 N.W.2d at 181. The party seeking a temporary injunction must show “likelihood of success on the merits.” *Id.* Courts also “consider the circumstances confronting the parties and balance the harm that a temporary injunction may prevent against the harm that may result from its issuance.” *Id.* (internal citation omitted).

A Consumer Fraud Act violation must be proven “by a preponderance of clear, convincing, and satisfactory evidence.” *State ex rel. Miller v. Cutty’s Des Moines Camping Club, Inc.*, 694 N.W.2d 518, 524 (Iowa 2005).

IV. Argument

A. This Court Has Personal Jurisdiction Over TikTok.

Consistent with Iowa law and the United States Constitution, this Court has specific personal jurisdiction over TikTok.

Iowa “authorizes the widest exercise of personal jurisdiction allowed by the Due Process Clause” of the U.S. Constitution. *Sioux Pharm, Inc. v. Summit Nutritionals Int’l Inc.*, 859 N.W.2d 182, 188 (Iowa 2015); see Iowa R. Civ. P. 1.306. Due process requires that a defendant have “sufficient minimum contacts with the forum state such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.” *Sioux Pharm, Inc.*, 859 N.W.2d at 188 (cleaned up).

This Court possesses specific personal jurisdiction over TikTok because TikTok has more than minimum contacts with Iowa and this action relates to those contacts. Specific personal jurisdiction “refers to jurisdiction over causes of action arising from or related to a defendant’s actions within the forum state.” *Id.* (internal citation omitted).

There are two requirements to show minimum contacts for specific personal jurisdiction: (1) “the defendant has ‘purposefully directed’ his activities at residents of the forum” state, and (2) “the litigation results

from alleged injuries that ‘arise out of or relate to’ those activities.” *Book v. Doublestar Dongfeng Tyre Co.*, 860 N.W.2d 576, 584 (Iowa 2015) (citing *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985)). TikTok’s deceptive conduct satisfies both requirements.

TikTok has purposefully directed activities at Iowa in three independent ways, each of which conveys specific personal jurisdiction here. First, it advertises and makes its social media application available to Iowans in the App Store. Ex. 5, TikTok App Store Preview. Second, it enters Terms of Service contracts with many thousands of Iowans to use the TikTok app. Ex. 15, TikTok Terms of Service (March 11, 2024). And third, it continually shares data with and harvests location data from these Iowa users. [REDACTED]

[REDACTED]

[REDACTED]

TikTok’s Terms of Service are a binding legal contract that TikTok requires all users to enter before gaining access to the TikTok app. Ex. 15, TikTok Terms of Service, section 1 (“Your Relationship With Us”). In exchange for the benefit of accessing the TikTok app, users allow TikTok to “generate revenues, increase goodwill or otherwise increase [its] value”

from their TikTok usage, *id.* at section 7 (“Content”), and to “automatically collect certain information,” including “your IP address” and “geolocation-related data.” Ex. 17, TikTok Privacy Policy (March 11, 2024) (section titled “Automatically Collected Information”). *See also* Ex. 15, TikTok Terms of Service at section 2, “Accepting the Terms” (incorporating TikTok Privacy Policy). TikTok uses that geographic information to drive the TikTok app’s algorithm and serve location-specific advertisements to Iowa users. [REDACTED]

[REDACTED]

[REDACTED]

Those contacts with Iowa are purposeful, and this case arises out of them. TikTok knows both that Iowa consumers will use its app and that its statements about the app’s content will reach Iowa consumers who are deciding whether to let their children use the TikTok app. *See, e.g.,* Ex. 18, TikTok Guardian’s Guide; Ex. 19, *Indiana v. TikTok Inc.*, No. 02D02-2212-PL-000400, Tracy Elizabeth Dep. 268:17–269:5 (Super. Ct. Allen Cnty. Feb. 24, 2023) (“Tracy Elizabeth Dep.”) (TikTok representative agreeing that “it [is] reasonable for parents to rely on what TikTok says about the content on its platform when deciding

whether to let teens use the app” and that “at least some parents” do so). TikTok intentionally seeks Iowans and recruits them through its misrepresentations in the App Store and Community Guidelines.

Those extensive and purposeful contacts alone establish specific personal jurisdiction over TikTok related to this case. *See Sioux Pharm* 859 N.W.2d at 193 (Iowa 2015) (quoting *Zippo Mfg. Co. v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119, 1124 (W.D. Pa. 1997)) (“The likelihood that personal jurisdiction can be constitutionally exercised is directly proportionate to the nature and quality of commercial activity that an entity conducts over the Internet.”). Beyond advertising to and signing contracts with thousands of Iowans, TikTok has many more contacts with Iowa that also relate to this matter and these contacts also support specific personal jurisdiction. *See Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, 141 S. Ct. 1017, 1022, 1027 (2021) (specific personal jurisdiction attaches where a “global . . . company” whose “business is everywhere,” “serves a market for a product in the forum State”); *Keeton v. Hustler Mag.*, 465 U.S. 770, 781 (1984) (personal jurisdiction proper over defendant that operated “national publication aimed at a nationwide

audience” where defendant sold significant number of subscriptions to residents in forum state).

TikTok earns millions of dollars in annual revenue through its Iowa activities, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Iowa Supreme Court has determined that specific personal jurisdiction existed over a defendant with far fewer contacts between the defendant and Iowa. *See Sioux Pharm*, 859 N.W.2d at 186 (“a nonresident corporation’s inaccurate statement on its passive website . . . subjected it to [specific] personal jurisdiction in Iowa.”). *Sioux Pharm* concerned a plaintiff’s unfair competition claim against an out-of-state defendant corporation that was alleged to have misrepresented its nutritional

supplement products. *Id.* at 186–87. The out-of-state defendant falsely “touted the Iowa source of its product on its website” “to enhance its sales.” *Id.* at 196.

The Iowa Supreme Court held that false statement supported specific personal jurisdiction even though the out-of-state defendant had sold only one shipment of its product into Iowa. *Id.* Here, TikTok falsely represents its app to consumers, which results in many thousands of contracts, and thus, contacts, with Iowans who then use TikTok on an ongoing basis. TikTok’s contacts are more numerous and direct than those the Iowa Supreme Court found sufficient in *Sioux Pharm.*

TikTok’s ongoing contractual relationships with Iowans also demonstrate that TikTok has purposefully availed itself of the privilege of conducting business in Iowa. Where a defendant “has created ‘continuing obligations’ between himself and residents of the forum,” as TikTok has done, “he manifestly has availed himself of the privilege of conducting business there,” and “it is presumptively not unreasonable to require him to submit to the burdens of litigation in that forum as well.” *Burger King*, 471 U.S. at 475–76 (quoting *Travelers Health Assn. v. Virginia*, 339 U.S. 643, 648 (1950)).

Allowing accountability for those defendants respects “principles of interstate federalism” because Iowa has a “significant interest[] at stake”—here, its interest in enforcing the Consumer Fraud Act to protect Iowa’s consumers in “a convenient forum for redressing injuries inflicted by out-of-state actors.” *Ford Motor*, 141 S. Ct. at 1030.

Specific personal jurisdiction does not require a defendant’s physical presence within the forum State. “[I]t is an inescapable fact of modern commercial life that a substantial amount of business is transacted solely by mail and wire communications across state lines,” and the “absence of physical contacts” does not defeat personal jurisdiction. *Burger King, Corp.*, 471 U.S. at 476. Those principles equally apply to companies that do business over the internet. *See Lakin v. Prudential Sec., Inc.*, 348 F.3d 704, 710–11 (8th Cir. 2003) (“If the defendant enters into contracts with residents of a foreign jurisdiction that involve the knowing and repeated transmission of computer files over the Internet, personal jurisdiction is proper.”).

Recent cases assessing personal jurisdiction for social media companies support the conclusion this Court has personal jurisdiction over TikTok. Directly on point, a Tennessee state court recently that

specific personal jurisdiction existed over Meta in Tennessee. Ex. 19A, *State of Tennessee v. Meta Platforms, Inc.*, No. 23-1364-IV, Chancery Court of Tennessee, Order on Defendants’ Motion to Dismiss (March 13, 2024). There, the State of Tennessee alleged that Meta deceived Tennesseans about the safety of its Instagram app. *Id.* at 4–5. To show personal jurisdiction over Meta, Tennessee alleged that Meta enters a “Terms of Use” contract with its Tennessee consumers, under which “in exchange for the right to use Instagram, consumers agree to terms that power Meta’s advertising business.” *Id.* at 2. Under that arrangement, the court held that Meta purposefully avails itself of Tennessee because “Meta collects data from its consumers, including locational data,” and “then uses that data to deliver its consumers a customized experience on Instagram,” including by offering “highly targeted, data-informed advertising opportunities . . . based on consumers’ locations.” *Id.* at 10.

Due to that targeted, Tennessee-based advertising, “Meta knows, either actually or constructively, about its Tennessee consumer base, and Meta exploits that base for commercial gain.” *Id.* at 11. That reasoning is correct, and this Court has personal jurisdiction over Defendants for all the same reasons.

A North Carolina court also recently rejected a personal jurisdiction defense raised by TikTok. TikTok argued that North Carolina lacked specific personal jurisdiction over it and the State therefore could not enforce a civil investigative demand issued to it. Ex. 23, *North Carolina v. TikTok Inc.*, No. 23CV030646, Enft Order (Wake Cnty. Super Ct. Dec. 12, 2023). Ex. 24, *North Carolina v. TikTok Inc.*, No. 23CV030646, Application for Enft of CID (Wake Cnty. Super. Ct. October 25, 2023); Ex. 25, *North Carolina v. TikTok Inc.*, No. 23CV030646, TikTok Opposition Brief (Wake Cnty. Super. Ct. Nov. 28, 2023). The North Carolina court rejected TikTok’s argument and ordered it to comply with the CID. Ex. 23, Enft Order.

Many federal courts have likewise recognized that specific personal jurisdiction exists when an app developer contracts with thousands of residents in a State, actively collects their personal information, and uses that information for sophisticated targeting of individual users—exists, that is, in circumstances just like this case.

- *Dzananovic v. Bumble, Inc.* concluded that an app developer “purposefully availed itself of the Illinois market for its dating app services by deliberately and continuously exploiting that market” by “collect[ing] [personal identifying information] from users for targeted marketing purposes, including to personalize

potential matches [and] inform its product pipeline.” No. 21-cv-06925, 2023 WL 4405833, at *4 (N.D. Ill. July 7, 2023).

- *Doffing v. Meta* concluded that an app developer “acted intentionally” by entering a contract with a minor to use the Snapchat app and by contracting with thousands of other Oregon residents. No. 22-cv-00100, 2022 WL 3357698, at *4 (D. Or. July 20, 2022). Like the TikTok app, the Snapchat app “is more than [a] mere interactive website that Oregonians are simply logging onto to access a service or buy a product,” it “is a highly sophisticated product that has been purposefully distributed to Oregon residents in the State of Oregon, where it is used” for “constant communication” and to “collect and distribute Oregonians’ personal information.” *Id.*
- *Chien v. Bumble Inc.* concluded that an app developer “purposefully directed its activities at California” because the app was “highly interactive,” had a substantial number of California users, “has collected personal and location information” from those users “for the purpose of sending targeted marketing information, promotions, and advertisements,” and “leverages machine and deep learning capabilities to personalize” users’ experience on the app. 641 F. Supp. 3d 913, 928–30 (S.D. Cal. 2022). Those “forum-related activities [we]re both causally connected to and related to” a “false advertising” cause of action. *Id.* at 931 (cleaned up).

While Tennessee’s case is the best analysis of the current law, an Indiana trial court took a different approach and concluded that it lacked personal jurisdiction over TikTok in *State v. TikTok*, No. 2023cv00013, 2023 WL 4305656 (Ind. Super. Ct. May 4, 2023). That court’s jurisdictional determination is the subject of a pending appeal, No. 23A-PL-03110 (Ind. Ct. App.). But that decision (1) cannot be reconciled with

the Iowa Supreme Court’s ruling in *Sioux Pharmacy*, (2) is contrary to the overwhelming weight of authority on when personal jurisdiction may be exercised over an out-of-state app developer, and (3) fails to cite—much less distinguish—the U.S. Supreme Court’s decisions in *Ford Motor Co.* and *Burger King*. Thus, the Court should decline to follow the outlier Indiana decision.

* * *

Defendants serve the market in Iowa by leveraging their ongoing contractual relationships with tens of thousands of Iowans to generate millions of dollars of revenue here. It follows that Defendants have purposefully availed themselves of the benefit of doing business in Iowa and that this Court has personal jurisdiction over Defendants.

B. Iowa Is Likely to Show That TikTok’s Age-Rating Representations in the App Store Violate the Act.

“[T]emporary injunctions require a showing of the likelihood of success on the merits.” *Max 100*, 621 N.W.2d at 181. Here, the State is likely to succeed on the merits of its claim that TikTok’s age-rating representations in the App Store are “an unfair practice, deception, . . . false promise, or misrepresentation” or an “omission . . . of a material fact

with intent that others rely upon” it, “in connection with the . . . advertisement of any merchandise.” Iowa Code § 714.16(2)(a).

The Act defines deception as “an act or practice which has the tendency or capacity to mislead a substantial number of consumers as to a material fact or facts.” Iowa Code § 714.16(1)(c). To determine whether a practice is “likely to mislead in the consumer protection context, courts typically evaluate the overall or ‘net impression’ created by the representation.” *State ex rel. Miller v. Vertrue, Inc.*, 834 N.W.2d 12, 34 (Iowa 2013). “A solicitation may be likely to mislead by virtue of the net impression it creates even though the solicitation also contains truthful disclosures.” *Id.* (internal citations omitted). “[S]tatements susceptible of both a misleading and a truthful interpretation will be construed against the advertiser.” *Id.* (internal citations omitted). The Act defines an “unfair practice” as “an act or practice which causes substantial, unavoidable injury to consumers that is not outweighed by any consumer or competitive benefits which the practice produces.” Iowa Code § 714.16(1)(i).

The Iowa Supreme Court has explained that an unfair practice under the Act is “nothing more than conduct a court of equity would

consider unfair.” *Vertrue*, 834 N.W.2d at 34. By prohibiting unfair practices, the Act is “designed to infuse flexible equitable principles into consumer protection law so that it may respond to the myriad of unscrupulous business practices modern consumers face.” *Id.*

1. TikTok’s Age-Rating Representations Are Deceptive and Unfair.

TikTok’s age-rating representations are deceptive and unfair because they inaccurately describe the TikTok app’s content. Investigator Perales easily found and was recommended many videos that are patently inconsistent with TikTok’s age-rating representations. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

a. Profanity and crude humor on the TikTok app is frequent and intense.

TikTok represents to consumers in the App Store that profanity and crude humor on the TikTok app are mild or infrequent. That representation is deceptive and unfair to consumers.

While logged in as a 13-year-old user, Investigator Perales easily found and indeed was recommended many TikTok videos containing intense profanity and crude humor. He encountered this material in the

For You feed, where videos are recommended to the user by the TikTok app's algorithm and also when using the TikTok app's search function.

Exhibit 7, Perales Decl., Attachment 3 is a compilation of videos that Investigator Perales viewed during his investigation. The videos include:

- A video of a woman lip-syncing to the lyrics: "Lick me, fuck me, kiss me, tease me, Bitch, take out your titties, I wan' see 'em." This video has been "liked" more than 65,000 times on the TikTok app. Exhibit 7, Perales Decl., Attachment 3, Clip 3.1.
- A close-up, slow motion of a woman's butt twerking in a thong, set to the lyrics: "Bitches always in my business, JT, what you really do?/I be at home playin' fetch by a swimmin' pool/I'm a real big dog bitch, you a scrappy-doo/Doin' all that wifey shit knowin' he don't fuck with you/Poster girl pussy, in yo' nigga dreams/I'ma hold a semi, bust whoever." Exhibit 7, Perales Decl., Attachment 3, Clip 3.2.
- A young woman dancing to the lyrics: "Now she done reversed it/Got up on the dick and ride the shit like a Camaro, uh/I can't be fucked wit', no/Ho you can't touch this, ayy/Bitch I do rich shit, huh/My money thick, thick, ayy." This video has been liked more than 133,000 times on the TikTok app. Exhibit 7, Perales Decl., Attachment 3, Clip 3.3.
- A slideshow set to the song, "Big Dick Randy," including the lyrics: "On Halloween, there will be a nigga/You gone take his peen'/He's big and black, he will take your candy/That nigga's name is Big Dick Randy. . . . You should be lucky that I'm even here/Randy's the real deal/He usually finish the kill/I guess I got lucky/I don't know how I made it out of there alive before that big nigger could fuck me." Exhibit 7, Perales Decl., Attachment 3, Clip 3.13.
- A video of a drunk man staggering and falling over, with a voice-over saying: "On today's episode of how fucked up is fucked up?"

That's fucked up." This video has been liked more than 726,000 times on the TikTok app. Exhibit 7, Perales Decl., Attachment 3, Clip 3.4.

These examples are only some videos contained in Exhibit 7, Attachment 3, which are themselves just a fraction of the videos Investigator Perales viewed containing profanity and crude humor.³ The videos contain repeated uses of the most intense profanity in the English language—

[REDACTED]

TikTok is not even trying to correct this profanity problem.

[REDACTED]

³ This is obvious from the other video compilations, Ex. 7, Perales Decl., Attachments 1-5, which contain rampant profanity and crude humor while simultaneously violating other age-rating representations.

[REDACTED]

[REDACTED]

[REDACTED] Under its policy, “if profane lyrics are in a song then that doesn’t violate the [C]ommunity [G]uidelines.” Ex. 28, *Indiana v. TikTok Inc.*, No. 02D02-2212-PL-000400, Indiana PI Tr., vol. II, Testimony of Tracy Elizabeth, 143:21–23 (Super. Ct. Allen Cnty. Mar. 3, 2023) (“Indiana PI Tr.”).

TikTok has made clear that no amount of profanity in song lyrics will cause a video to be removed from the TikTok app. A representative of TikTok testified that a video set to the lyrics below does not violate TikTok’s Community Guidelines and can be recommended to 13-year-old users:

Yeah, I 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. Yeah, you know who you are you piece of shit. Your girlfriend’s always sucking on my dick like a Slim Jim stick so next time you go down on her clit tell me how my dick tastes. Tell me how my motherfucking dick tastes.

Ex. 28, Indiana PI Tr., Tracy Elizabeth, 145:21-146:13.

b. Sexual content and nudity on the TikTok app are frequent and intense.

TikTok lies to consumers by claiming that sexual content and nudity on the TikTok app are mild or infrequent, but that representation is deceptive and unfair to consumers.

While logged into the TikTok app as a 13-year-old user, Investigator Perales was easily able to find frequent and intense sexual content and nudity. He encountered this material in the For You feed, where videos are recommended to the user by the TikTok's app's algorithm, in Live videos, and also when using the TikTok app's search function. Exhibit 7, Perales Decl., Attachment 4 is a compilation of videos that Investigator Perales viewed during his investigation. The videos include:

- A video of a woman posing sexually in a nude-colored g-string bikini, including in close-up shots of her crotch and butt. Ex. 7, Perales Decl., Attachment 4, Clip 4.1.
- A close-up video of a woman's butt in a leather thong one-piece. Exhibit 7, Perales Decl., Attachment 4, Clip 4.3.
- A video of a woman bending over, with the camera focused on her butt and her breasts visible in the background. Ex. 7, Perales Decl., Attachment 4, Clip 4.4.
- Two women kneeling and providing or simulating oral sex off camera. Ex. 7, Perales Decl., Attachment 4, Clip 4.7.
- A TikTok Live video of a young woman sexually dancing in her bathroom in a t-shirt and underwear, including in response to

comments from viewers. Sexually explicit music plays in the background, with lyrics including: “Fuck me and my niggas, baby, we gon’ have to crack off/Sleeping in the trap house, fucking in the blackout/Still up in the Pyrex, I’m just tryna get a track out/Rock out with them racks out and I fuck once, can’t run back.” Ex. 7, Perales Decl., Attachment 4, Clip 4.11.

- A video in which Investigator Perales types “stri” into the TikTok app’s search bar; the TikTok app suggests “skripper” as a search result; Investigator Perales selects that result; then he selects the top search result—a video of a woman in thong bikini pole dancing in a club. The TikTok app offers “pole fitness” as a related search term at the top of the screen. Ex. 7, Perales Decl., Attachment 4, Clip 4.6.
- A video of still images of women dressed in lingerie, in which the last picture includes an exposed nipple. Ex. 7, Perales Decl., Attachment 4, Clip 4.5.
- A video of a woman lip-syncing to audio saying: “You look sad. I don’t like that, I’m going to fix it. Open your hands.” Then she sits on the camera wearing thong underwear for a close-up of her crotch and butt. Ex. 7, Perales Decl., Attachment 4, Clip 4.12.

These examples are only some videos contained in Exhibit 7, Perales Decl., Attachment 4, which are themselves just a portion of the videos Investigator Perales viewed containing sexual content and nudity.

Investigator Perales was even able to view one video that carried a warning screen stating: “Sensitive content,” “Some people may find this video disturbing.” Ex. 7, Perales Decl., Attachment 5, Clip 5.14. The warning screen presented him the option to “Skip video” or “Watch anyway,” and when he clicked “Watch anyway,” he was allowed to watch

a video containing intense sexual content: a close-up of a woman’s crotch squirting liquid through her underwear. *Id.*

[REDACTED]

[REDACTED]

[REDACTED] Investigator Perales easily found many examples of the same kinds of content on the TikTok app, still available—and even recommended—to 13-year-old users. [REDACTED]

[REDACTED]

[REDACTED]

Investigator Perales found many similar videos. *See, e.g.*, Ex 7, Perales Decl., Attachment 4, Clips 4.1, 4.2, 4.3, 4.4, 4.9, 4.12, 4.14, 4.19, 4.50.

[REDACTED]

[REDACTED] Investigator Perales has verified that the same content creator has an active TikTok account featuring the same type of content: yoga crotch shots. Ex. 7, Perales Decl., Attachment 5, Clips 5.1, 5.2, 5.3, 5.4, 5.5, 5.6. Those videos, and many similar videos, are visible to a 13-year-old user. *Id.*, Clips 5.7 through 5.14. [REDACTED]

[REDACTED] did not solve the ongoing problem of frequent and intense sexual content and nudity on the TikTok app.

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[REDACTED]

TikTok does not intend for its Community Guidelines and content moderation policies to remove sexual content and nudity from the TikTok app. In a deposition, a TikTok representative was shown a TikTok video that had been viewed 3 million times in the TikTok app. The video features a young woman dancing to the lyrics: “I just want you to fuck me to sleep (fuck me so good)/trap bunny bubbles/I want my cheeks clapped daddy/so lay me down while I arch that ass back/I need that good pipe daddy.” The TikTok representative testified that “I don’t think this video would be a violation of the community guidelines.” Ex. 19, Tracy Elizabeth Dep. 296:13–14 (and associated exhibit 35, “Trap Bunny

Bubbles”). She explained, “I understand that there are lyrics that can feel mature; however, the totality of this video has a fully clothed woman, no sexual activity, right, no nudity.” And she acknowledged that a 13-year-old user could access this kind of video through the TikTok app’s search function. *Id.* at 308:6–21.

c. Alcohol, tobacco, and drug use or references on the TikTok app are frequent and intense.

TikTok represents to consumers in the App Store that alcohol, tobacco, and drug use or references on the TikTok app are mild or infrequent, but that representation is deceptive and unfair to consumers.

While logged into the TikTok app as a 13-year-old user, Investigator Perales was easily able to find frequent and intense alcohol, tobacco, and drug use or references. He encountered this material in the For You feed, where videos are recommended to the user by the TikTok’s app’s algorithm and when using the TikTok app’s search function. Exhibit 7, Perales Decl., Attachment 1 is a compilation of videos that Investigator Perales viewed during his investigation. The videos include:

- A video of a young man listing five things he likes about “Za,” a slang word for marijuana. The reasons include: (1) the smell, (2) you won’t get angry when you are “fried,” (3) the process of using it, (4) that it is plant-based and therefore organic (“It comes out of the motherfucking ground, dude, how unhealthy

could it be?”), and (5) it makes friendships because “it brings people together.” This video has been liked more than 13,000 times on the TikTok app. Ex. 7, Perales Decl., Attachment 1, Clip 1.1.

- A video posted by username “BuyMagicBars” of someone making rice crispy treats with hallucinogenic mushrooms. The video has been liked more than 76,000 times on the TikTok app. It was recommended to a 13-year-old user by the TikTok app’s “For You” algorithm. Ex. 7, Perales Decl., Attachment 1, Clip 1.3.
- A video mixing vodka with lemonade and popsicles to make a 1.5 liter “Drunk Dragon” drink. This video has been liked more than 135,000 times on the TikTok app and was recommended by the For You algorithm for a 13-year-old user. Ex. 7, Perales Decl., Attachment 1, Clip 1.6.
- A video of a young woman taking ten “dabs” (a powerful concentrate of THC produced from marijuana and smoked or vaporized) “while studying for my final.” Ex. 7, Perales Decl., Attachment 1, Clip 1.7. This video has been liked 10,800 times on the TikTok app.
- A video of a young woman in a car mixing a “BuzzBall” pre-mixed alcoholic cocktail into a to-go drink from Starbucks, with the text: “When I say this mix is dangerous it tastes like no alcohol.” Ex. 7, Perales Decl., Attachment 1, Clip 1.11. This video has been liked 747,700 times on the TikTok app and was recommended by the For You algorithm for a 13-year-old user.

These examples are only some of the videos contained in Exhibit 7, Attachment 1, which are themselves only some of the videos Investigator Perales viewed containing alcohol, tobacco, and drug use or references.

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[REDACTED]

d. Mature and suggestive themes on the TikTok app are frequent and intense.

TikTok represents to consumers in the App Store that mature and suggestive themes on the TikTok app are mild or infrequent, but that representation is deceptive and unfair to consumers. These themes include many topics already discussed (profanity and crude humor; sexual content and nudity; alcohol, tobacco, and drug use and references) and others: promotion of disordered eating (anorexia, bulimia), suicide, self-harm (cutting), and depression.

While logged into the TikTok app as a 13-year-old user, Investigator Perales was easily able to find frequent and intense mature or suggestive themes in all these areas. He encountered this material in the For You feed and when using the TikTok app's search function. Exhibit 7, Perales Decl., Attachment 2 is a compilation of videos that Investigator Perales viewed during his investigation. The videos include:

- A cinematic clip of a pretty girl saying, “Oh wow. . . . I didn’t eat for three days so I could be lovely.” This video has been liked 88,000 times on the TikTok app and was recommended by the “For You” algorithm. Ex. 7, Perales Decl., Attachment 2, Clip 2.5.
- A slideshow of still images with captions: “me when I see the people who eat without feeling guilty;” “me when someone forced me to eat and I had to break my fast;” “me seeing that im actually loosing weight;” “me eating my 30 cal meal;” “me when my family believes that I have eaten earlier;” “me when my fast goes to 72h;” “me calculating all the calories;” “me almost fainting after not eating for days;” “me when my bodys sore after a workout (it works);” “me knowing im the fattest of all my friends.” The images are overlaid with audio saying: “I think it was the happiest time of my life, but I had to stop before I died because otherwise it wasn’t fun.” Ex. 7, Perales Decl., Attachment 2, Clip 2.1.
- A video of an emaciated young woman dancing. This video has been liked 1.4 million times on the TikTok app. Ex. 7, Perales Decl., Attachment 2, Clip 2.2.
- A video of a woman’s face with the text “when someone asks me what i want my future to look like but all i dont plan on staying long enough to have a ‘future.’” The TikTok “For You” algorithm recommended this video. This video has received more than 160,000 likes on the TikTok app. Ex. 7, Perales Decl., Attachment 2, Clip 2.4.
- A video on how to make a “mini cutter,” a tool for self-harming through cutting. Ex. 7, Perales Decl., Attachment 2, Clip 2.6.
- A video showing “what I eat in a day (bulimia edition).” The caption says the user is “in middle school” and ends with the text “currently in the bathroom,” purging after eating. Ex. 7, Perales Decl., Attachment 2, Clip 2.14.
- A video of a man attacking and choking a woman, with the text “how I let him treat me because he was nice to me once,” and the

audio: “No need to ask, just tell me what to do and I’d do it. I don’t care what it is because I’ll do anything for you.” This video has been liked more than 64,000 times on the TikTok app and was recommended to a 13-year-old user by the TikTok app’s “For You” algorithm. Ex. 7, Perales Decl., Attachment 2, Clip 2.8.

These examples are only some of the videos contained in Exhibit 7, Perales Decl., Attachment 2, which are themselves only some of the videos Investigator Perales viewed containing mature or suggestive themes.

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[REDACTED]

e. The only appropriate App Store rating for the TikTok app is “17+.”

If TikTok truthfully answered Apple’s age-rating questions in the App Store, the TikTok app would qualify only for a “17+” age rating because the TikTok app is not appropriate for children 12 and over—and it is deceptive for TikTok to claim a “12+” rating in the App Store. The only non-deceptive answer TikTok can give to Apple’s age-rating questions is to report that content in the categories of “Profanity and Crude Humor,” “Sexual Content and Nudity,” “Alcohol, Tobacco, and Drug Use or References,” and “Mature/Suggestive Content” is “Frequent/Intense” on the TikTok app.

Indeed, while each of TikTok’s age-rating representations in the App Store is deceptive standing alone, the cumulative impression of these age-rating representations is also deceptive to consumers. *Vertrue*, 834 N.W.2d at 34 (to determine what is “likely to mislead in the consumer

protection context, courts typically evaluate the overall or ‘net impression’ created by the representation”) (citation omitted). TikTok repeatedly reassures consumers in the App Store that inappropriate content on its platform is mild and infrequent, and TikTok reinforces those representations by claiming a “12+” rating in the App Store.

But TikTok users under age 18 can access—and TikTok will recommend to them—frequent and intense content depicting profanity, crude humor, sexual content, nudity, alcohol, tobacco, and drug use and references, and mature and suggestive themes. Investigator Perales has shown that reality through his investigative work, and [REDACTED] [REDACTED] TikTok does not have adequate solutions.

2. TikTok also violates the Act by omitting material information when Iowans register for the TikTok app.

The Act also makes unlawful the “omission of a material fact with intent that others rely upon the . . . omission.” Iowa Code § 714.16(2)(a). When TikTok allows Iowans to register for accounts without correcting the misimpressions created by its misleading descriptions of its service in the App Store, it violates the Act by omission. TikTok’s omissions are

clearly material to consumers—particularly to parents deciding whether and how to let their children use the TikTok app. TikTok fully intends for parents to rely on this information.

Under the Act, “[a] misleading impression created by a solicitation is material if it involves information that is important to consumers, and hence, likely to affect their choice of, or conduct regarding, a product.” *Vertrue*, 834 N.W.2d at 34 (internal citations omitted). Parents care about whether their children will be exposed to inappropriate content online, including profanity, crude humor, sexual content, nudity, alcohol, tobacco, and drug use, and mature themes like disordered eating, suicide, self-harm, and depression. TikTok knows this and intends to reassure parents about the safety of their children on the TikTok app.

To reassure parents about the safety of the TikTok app, TikTok publishes a “Guardian’s Guide” on its website for “caregivers” of “teens” “to provide an overview of TikTok and the many tools and controls we’ve built into the product to keep our community safe.” Ex. 18, TikTok Guardian’s Guide. The Guide begins by addressing the content that teens view on the TikTok app, telling caregivers that “[t]o safeguard For You feeds, we have policies around content categories that are not eligible for

recommendation” and that “we also work to prevent content with overtly mature themes from reaching teens.” *Id.* The Guide also encourages caregivers to “[r]eview[] . . . our Community Guidelines with [their] teen[s].” *Id.*

TikTok has acknowledged under oath that parents consider its age-rating representations when deciding whether to let their teens use the TikTok app:

Q: Is it reasonable for parents to rely on what TikTok says about the content on its platform when deciding whether to let teens use the app?

A: Yes.

Q: And do at least some parents rely on TikTok’s 12+ age rating in the App Store when deciding to let their teens on to TikTok? . . .

A: I think it would be reasonable to—to assume that some parents are taking the age rating into account when they decide.

Ex. 19, Tracy Elizabeth Dep. Tr. 268:17–269:5.

When Iowans sign up for TikTok, TikTok fails to correct the misimpressions created by its misstatements that appear on TikTok’s App Store page. The State is likely to prevail on its claim that this is a material omission in violation of the Act.

3. TikTok’s age-rating misrepresentations are advertisements of merchandise under the Act.

TikTok’s age-rating misrepresentations in the App Store are “advertisements” under the Consumer Fraud Act. The Act defines “advertisement” expansively. It includes “the attempt by publication, dissemination, solicitation, or circulation to induce directly or indirectly any person to enter into any obligation or acquire any title or interest in any merchandise.” Iowa Code § 714.16(1)(a).

TikTok’s age-rating representations qualify as advertisements in many ways, including because they are a “publication,” “directly or indirectly” to Iowa consumers, intended to induce them to enter a contract with TikTok. TikTok publishes its age-rating representations on its App Store page by self-selecting the answers to Apple’s age-rating questions while knowing that they will be displayed to consumers. And TikTok does this to induce consumers to incur an obligation.

That obligation comes from the actions required to download the app. When a consumer downloads the TikTok app through the App Store and creates a TikTok account, the consumer must agree to TikTok’s Terms of Service contract. The Terms of Service obligate the consumer to allow TikTok to “generate revenues, increase goodwill, or otherwise

increase [its] value” from the consumer’s use of TikTok, including by “automatically collect[ing] certain information” from the consumer, like “your IP address” and “geolocation-related data.” Ex. 15, Terms of Service (including incorporating Privacy Policy); Ex. 17, Privacy Policy. TikTok intends its age-rating representations to induce Iowa consumers to incur the Terms of Service obligations.

TikTok’s age-rating representations also qualify as “advertisements” under the Act in other ways. TikTok’s age-rating representations are “dissemination, solicitation, or circulation,” under the Act, and they seek to “induce [consumers] directly or indirectly” to “acquire any . . . interest in any merchandise” because when a consumer downloads and uses the TikTok app, they acquire an interest in using the TikTok social media platform. Iowa Code § 714.16(1)(a). TikTok’s Terms of Service grant a user the right to use the TikTok app’s social-media services.

Lastly, the TikTok app is “merchandise” within the meaning of the Act. “The term ‘merchandise’ includes any objects, wares, goods, commodities, intangibles, . . . or services.” Iowa Code § 714.16(1)(e). The TikTok app satisfies this definition, whether viewed as a “good,” a

[REDACTED]

[REDACTED] Consistent with that statement, Apple tells developers to choose “the age rating of the highest age rated creator content available in the app.” Ex. 4, App Store Review Guidelines.

In short, TikTok’s age-rating representations are false and deceptive because they describe “Profanity and Crude Humor,” “Sexual Content or Nudity,” “Alcohol, Tobacco, and Drug Use or References,” and “Mature/Suggestive Themes” as “Mild” on the TikTok app when they are intense. There is no serious dispute that intense content in these categories exists on TikTok. *See, e.g.*, Ex. 7, Perales Decl., Attachments 1–5 (video compilations); Ex. 28, Indiana PI Tr. 131:11–13 (Q: “And intense mature themes may occasionally leak through TikTok’s moderation systems, right?” A: “Occasionally or very seldomly, yeah.”).

b. Even if the State needed to show that mature content on TikTok frequently occurs, it would still be entitled to a temporary injunction. TikTok’s “filter bubbles,” a phenomenon in which the TikTok algorithm recommends more and more of a particular type of content to a user, inundate the user with that content. Filter bubbles are especially harmful to children when they concern mature content. Rob Barry, et al.,

How TikTok Serves Up Sex and Drug Videos to Minors, WALL ST. J. (Sept. 8, 2021), <https://on.wsj.com/3TdVRJB>. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Even if types of mature content do not appear frequently across the entire TikTok app, they appear frequently for some users in a filter bubble or when a user seeks out mature content through searching or following other users. Investigator Perales's investigation also confirms that mature content may appear frequently for underage users who seek it out through searching. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Mature content (including sexual, drug-related, or mature content and profanity) also appears often on the TikTok app more broadly, [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED] that means that TikTok is feeding the average user a daily dose of mature content. And not every young user is average. Young users who seek out sexual and drug-related content that violates the Community Guidelines can find it in abundance.

[REDACTED]

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Nor are the words “mild” and “intense” too subjective to be actionable as deceptive. If that were so, then even a pornography app could market itself as “12+” in the App Store because the terms “mild” and “intense” are too subjective for pornography to fall clearly within one or the other. And TikTok itself has acknowledged under oath that “mild” and “intense” are industry-standard terms with industry-standard meanings. Ex. 19, Tracy Elizbaeth Dep. 275:14–279:18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

C. The State Is Entitled To A Temporary Injunction Prohibiting TikTok’s App Store Age-Rating Misrepresentations.

For those reasons, the State is entitled to a temporary injunction prohibiting TikTok from continuing to deceive Iowa consumers about the

content on its app through its App Store age-rating misrepresentations. The court may impose a temporary injunction “[i]n any case specially authorized by statute.” Iowa R. Civ. P. 1.1502(3). The Consumer Fraud Act is such a statute, specially authorizing the Attorney General to “seek and obtain” a “temporary injunction . . . prohibiting the person from continuing the practice” made unlawful by the Act. Iowa Code § 714.16(7). As already demonstrated, Iowa is likely to prove that TikTok’s App Store age-rating representations are unlawful deception or material omissions (or both) under the Act, and so Iowa is entitled to a temporary injunction. No additional analysis is required. *See* Section II, *supra*.

And even if Rule 1.1502(3) did not authorize a temporary injunction, Rule 1.1502(1) does. It allows a temporary injunction to be entered “[w]hen the petition, supported by affidavit, shows the plaintiff is entitled to relief which includes restraining the commission or continuance of some act which would greatly or irreparably injure the plaintiff.” Iowa R. Civ. P. 1.1502(1). The State has satisfied that standard.

1. Without an injunction, Iowa consumers will be irreparably harmed.

Iowa consumers are irreparably harmed by TikTok's App Store deception. TikTok knows that parents rely on the age-rating information to decide whether to let their children download and use the TikTok app, and if so, whether and how to monitor their activity on the app. Yet because of TikTok's App Store deception, Iowa parents are making the decision to allow their children to use TikTok based on false information. Iowa parents reasonably believe that TikTok contains only "infrequent/mild" profanity and crude humor, sexual content and nudity, alcohol, tobacco, and drug use or references, and mature or suggestive themes, when in fact, TikTok contains intense or frequent content in all those categories. No amount of money damages can buy back the time a young user has spent on the TikTok app or "unsee" what a young user has seen there. The harm TikTok is inflicting on Iowa consumers therefore has no adequate remedy at law and warrants a temporary injunction.

2. The balance of harms favors the State.

Before issuing a temporary injunction, courts also "consider the circumstances confronting the parties and balance the harm that a

temporary injunction may prevent against the harm that may result from its issuance.” *Max 100*, 621 N.W.2d at 181 (citation omitted). The balance of harms here warrants a temporary injunction.

As described, Iowa consumers are irreparably and seriously harmed without an injunction. Iowa parents are deceived, and thus Iowa children are exposed to content that is clearly inappropriate and even dangerous for their age. Weighing against the boon to Iowans that would come from prohibiting that conduct is the lack of effect on TikTok. TikTok would remain free to make its app available on the App Store, and parents would remain free to allow their children to download and use it. The only change would be to require TikTok to be honest about the content its app contains. That is no harm to TikTok, and it alleviates a serious and ongoing harm to Iowa consumers. Weighing the balance of harms, then, favors granting a temporary injunction here.

D. The State Is Also Entitled to an Injunction Prohibiting TikTok’s Falsehoods in the Community Guidelines.

TikTok’s Community Guidelines violate the Act because they are “an unfair practice, deception, . . . false promise, or misrepresentation . . .

of a material fact with intent that others rely upon” it, “in connection with the . . . advertisement of any merchandise.” Iowa Code § 714.16(2)(a).

1. TikTok’s Community Guidelines are deceptive and unfair.

Two specific representations in TikTok’s Community Guidelines are false—and therefore violate the Act—

[REDACTED]

TikTok’s Playbook is an internal TikTok document “that breaks down specifically our internal policies that . . . are listed in the [C]ommunity [G]uidelines.” Ex. 19, Tracy Elizabeth Dep. 127:8–13. The Playbook is “designed to offer moderators specific details on how to essentially know it when they see it for each given policy.” *Id.* at 127:13–16. When moderators choose what content to allow on the TikTok app and what content must be removed, they use “details from the playbook,” not the Community Guidelines themselves. *Id.* at 127:17–128:5.

[REDACTED]

[REDACTED]

Two statements in the Community Guidelines falsely describe

[REDACTED]

First, the Community Guidelines say: “*We do not allow showing or promoting recreational drug use*, or the trade of alcohol, tobacco products, and drugs.” Ex. 13, Community Guidelines (emphasis added). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] TikTok’s statement in the Community Guidelines that videos “promoting recreational drug use” are not allowed is false.

Second, the Community Guidelines falsely say that “[s]howing or promoting adults consuming drugs or other regulated substances for a recreational purpose” is “NOT allowed” on the TikTok app. Ex. 13., Community Guidelines, Illegal Activities and Regulated Goods (more information tab). This statement applies both to drugs, like cannabis and cocaine, and to “other regulated substances” like alcohol and tobacco. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In short, the Community Guidelines say that “showing or promoting adults consuming drugs or other regulated substances” is not allowed on the TikTok app, when [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] registered 13-year-old users can easily find such content on the TikTok app, as Investigator Perales’ investigation shows. TikTok’s statement to consumers in the Community Guidelines that “[w]e do not allow . . . promoting recreational drug use” is false because [REDACTED]

[REDACTED] Ex. 13, Community Guidelines, Illegal Activities and Regulated Goods, Alcohol, Tobacco, and Drugs.

2. TikTok’s Community Guidelines are an advertisement of merchandise under the Act.

TikTok’s Community Guidelines qualify as advertisements under the Act in many ways, including because they are a “publication,” “directly or indirectly” to Iowa consumers, intended to induce them to

enter a contractual obligation with TikTok. Iowa Code § 714.16(1)(a). TikTok knows and intends that consumers will rely on its Community Guidelines and the Guidelines' content-related statements when deciding whether to use (or let their children use) the TikTok app. *See*, Section IV.B.2, *supra*.

E. The State Is Entitled to a Temporary Injunction Prohibiting TikTok from Misrepresenting Its App in the Community Guidelines.

Because the Act “specially authorize[s]” a temporary injunction, Iowa is entitled to a temporary injunction because Iowa is likely to show that TikTok’s Community Guidelines are deceptive and violate the Act. Iowa R. Civ. P. 1.1502(3). *See* Section IV.C., *supra*.

That said, if Rule 1.1502(3) does not authorize a temporary injunction, Rule 1.1502(1) does, for the same reasons that a temporary injunction is authorized for TikTok’s App Store misrepresentations. *See* Section IV.C., *supra*.

V. Conclusion

For these reasons, the Court should enter a temporary injunction against Defendants.

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Respectfully submitted,

BRENNA BIRD
ATTORNEY GENERAL

/s/ Eric H. Wessan

Eric H. Wessan
Solicitor General
William R. Pearson
Assistant Attorney General
1305 E. Walnut St.
Des Moines, Iowa 50319
(515) 823-9117
eric.wessan@ag.iowa.gov
william.pearson@ag.iowa.gov

David H. Thompson*
Michael W. Kirk*
Brian W. Barnes*
Megan M. Wold*
COOPER & KIRK, PLLC
1523 New Hampshire Ave., N.W.
Washington, D.C. 20036
(202) 220-9600

Counsel for State of Iowa

*Applications for admission pro
hac vice forthcoming