

Are You Addicted to Social Media?

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For the past couple weeks, I've found myself routinely checking my Facebook which is a social media platform I haven't really used in years. Every new day I log on it shows me a "memory on Facebook," leaving me wanting to regularly check the app. A lot of these "memories" are usually status updates I posted when I was twelve; they can be funny and cringey, so I keep wanting to come back for more. Of course, this has led me to do some reflecting. What business did I have being on Facebook at 12 years old? Fortunately for me, most of my posts were pretty innocuous, like song lyrics or tagging my neighbor to ask if he wanted to come over and play. Having grown up with the internet, I've seen it turn into a much more dangerous place for young people.

Meta, the company that owns Facebook and Instagram, is being sued in Federal Court for using features to lure children onto its social media platforms.¹ Thirty-three states are suing the company on the basis of the lawsuit which is a violation of consumer protection laws.² These states, led by California and Colorado, argue that Meta utilized addictive or psychologically manipulative features in its products to induce young users' obsessive and excessive use of their social media apps.³ They also accuse Meta of collecting personal data from young users without their parents' permission which is a violation of a federal children's privacy law.⁴

This massive lawsuit against this big tech giant is very unusual; it's reminiscent of when the states came together to commence lawsuits against companies involved in other huge industries, like Big Pharma and Big Tobacco.⁵ The attorney general of the states filing suit considers this case as one dealing with public health concerns.⁶ States have been concerned for a while about Instagram's harmful effects on America's youth when it comes to cyberbullying and mental health.⁷ The recently unsealed complaint shows that Instagram actively pursued underage users even when they were failing to comply with other laws regarding children's privacy.⁸

There are not many laws on the books regulating a child's use of social media. Many state's propose acts, but hardly any of them pass while big tech giants lobby passionately against federal regulations. The foremost federal law is the Children's Online Privacy Protection Act of 1998. This is the law the Meta lawsuit is premised on.⁹ Fines for each violation of this law can run up to over \$50,000.¹⁰ Meta violated this law by refusing to generate systems to detect and remove children under the age of thirteen from using Facebook and Instagram.¹¹ The law requires that users under thirteen need verifiable permission from a parent before they can access

¹ Cecilia Kang & Natasha Singer, *Meta Accused by States of Using Features to Lure Children to Instagram and Facebook*, N.Y. TIMES (Oct. 24, 2023), <https://www.nytimes.com/2023/10/24/technology/states-lawsuit-children-instagram-facebook.html>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Natasha Singer, *At Meta, Millions of Underage Users Were an 'Open Secret,' States Say*, N.Y. TIMES (Nov. 25, 2023), <https://www.nytimes.com/2023/11/25/technology/instagram-meta-children-privacy.html>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

websites with content aimed at children.¹² Since the law is so old, this is the easiest route for the attorney general to take to hold Meta accountable in some way for their gross pursuit of underage users.¹³

But why would Meta even want kids on their websites in the first place? Children are a key demographic for Meta to obtain; Meta wants to get them addicted to social media at a young age and drive-up profits for Meta.¹⁴ This is a strategy familiar among many of the tech giants.¹⁵ Companies like Google, Amazon, Microsoft, and Epic Games, have all been successfully sued by the Federal Trade Commission for children’s privacy concerns.¹⁶

As someone who grew up using social media, I know firsthand how dangerous and addicting it can be. It is imperative that new federal laws are proposed to better regulate social media and internet-use for children. There should be an easier way to sue big tech giants for getting children addicted to social media rather than just privacy concerns. Senators Marsha Blackburn and Richard Blumenthal are working toward proposed legislation called the Kids Online Safety Act.¹⁷ The legislation, if passed, requires social media platforms to be safer by default.¹⁸ The most stringent regulation is a requirement for social media sites to perform independent audits annually.¹⁹ Audits ensure that each site is complying with the legislation and assessing the risks to minors.²⁰ The bill also sets out requirements for disabling addictive product features and gives users the option to opt out of algorithmic recommendations.²¹ Senators Blackburn and Blumenthal have framed the bill as addressing dire public health concerns. They cite “record levels of hopelessness and despair – a national teen mental health crises,” as their motivation for introducing the bill and wanting to regulate tech companies.²²

If passed, the Kids Online Safety Act provides a safer internet for children to use. Until then, we will have to depend on these companies to forgo profits to keep children safe. And this obviously isn’t happening. If states win the Meta lawsuit, Meta will have to pay financial penalties and may also be subject to an injunction forcing them to stop using the tech features that have been alleged to harm young users. It will be interesting to see how both the proposed bill and the lawsuit develop. I can’t help but wonder if my own social media use will be constrained if these addictive tech features are removed. Will I find myself still locked into infinite scroll mode? Or will they find new ways to keep users addicted? For now, I’m sure I’ll continue checking my “memories on Facebook” on a daily basis but hoping the novelty wears off soon.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Blackburn, Blumenthal Introduce Bipartisan Kids Online Safety Act*, MARSHA BLACKBURN (May 2, 2023), <https://www.blackburn.senate.gov/2023/5/blackburn-blumenthal-introduce-bipartisan-kids-online-safety-act>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*