

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO**

STATE OF NEW MEXICO, EX REL.,
RAÚL TORREZ, ATTORNEY GENERAL,

Plaintiff,

v.

NO. D-101-CV-2024-02131

SNAP INC.,

Defendant.

**PLAINTIFF’S AMENDED COMPLAINT FOR ABATEMENT AND CIVIL PENALTIES
AND DEMAND FOR JURY TRIAL**

I. INTRODUCTION

1. Snap Inc. (“Snap”) seeks to distance itself from aspects of social media that have been linked to increases in anxiety, depression and other mental health issues among youth. Earlier this year, Snap paid millions for a Superbowl commercial, touting its service as “Less social media. More Snapchat,” and displaying slogans intended to bolster that impression: “Less likes. More human,” “Less perfection. More Playful,” “Less public. More private,” “Less permanent. More free,” “Less trolls. More allies,” and “Less likes. More love.”¹

2. In truth, however, Snap and Snapchat—Snap’s social media service—are among the most pernicious purveyors of child sexual abuse material (“CSAM”) and harm-inducing features on children’s electronic devices. Nearly every aspect of the service was designed to attract and addict young people. Moreover, Snap’s design and algorithmic recommendations

¹ <https://www.youtube.com/watch?v=YnFi5CNEsgw>

openly foster and promote illicit sexual material involving children and facilitate sextortion and the trafficking of children, drugs, and guns.

3. It is this dichotomy that renders Snap's conduct unfair, deceptive and unconscionable. As detailed herein, Snap repeatedly made statements to the public regarding the safety and design of its platforms that it knew were untrue, or that were readily contradicted by its own internal findings. Snap's conduct has sacrificed the health and safety of a generation of children—in New Mexico and beyond--in service of screen time and ad revenue. For these reasons, the Attorney General brings this suit to enforce the Unfair Practices Act, NMSA 1978, Sections 57-12-1 to 26 (1967, as amended through 2009), and to abate the public nuisance Snap has caused.

4. The State's complaint takes aim at the design and implementation of Snap's features, including its algorithms, which mine patterns of consumption by users to recommend content and other users aligned with their interests and operate to match children with adult predators and drug dealers and deliver a string of sexualized, drug-related, and other dangerous content to children, predators, and others. The harms laid out in the complaint are tied to Snap's actions, failures, and design decisions, including, but not limited to: (i) implementing design features and policy choices that fail to ascertain or apply the actual age of users; (ii) preventing effective parental controls and reporting mechanisms; (iii) permitting predators to identify, contact, groom, and extort children and to develop CSAM through these contacts; (iv) designing algorithms and features that connect child sex predators to children and allow them to find them; (v) creating a virtual market for marketing and selling illegal drugs and guns to children; (vi) failing to warn and affirmatively misleading parents and children about the presence of young children and about sex trafficking, sexual exploitation content, and drug and gun sales on the

platform; (vii) failing to report CSAM; and (viii) creating and sending notifications and using features like ephemeral content (content that disappears after a specified period of time, usually 24 hours), aggressively sending notifications of new content to users at all times day and night (and repeatedly promoting notifications to those users who choose to disable this feature), “streaks” that permit users to promote their obsessive use of the platform, “trophies” or “charms” that reward compulsive use of the platform, and friend rankings that encourage addictive use of its platform. Correcting these activities does not require Snap to edit or withdraw third-party content, but rather to design its product differently—namely, safely—and describe it honestly.

5. Snapchat is a breeding ground for predators to collect sexually explicit images of children and to find, groom, and extort them. Teens and preteens can easily register for unrestricted accounts because Snap lacks any meaningful mechanism to verify their ages - a child-endangering design failure that Snap has known for years. Indeed, in 2022, a Snap executive emailed: “I don't think we can say that we actually verify....” And Snap’s platform facilitates underage use even though Snap has the capability of both determining that users are minors and providing warnings or other protections against material that is not only harmful to minors but poses substantial dangers of solicitation, trafficking, and other harms.

6. Adult strangers can then take advantage of Snap’s algorithm, its appearance of safety and impermanence, and features like Snap Map, which allows them to find and meet these children in the real world. For years, Snap has been on notice from both external and internal sources of the dangers its platform presents for children but has nonetheless failed to stem the tide of damaging sexual material, sexual propositions, and dangerous drugs delivered to children. In short, Snap’s design—especially its focus on ephemeral content—is uniquely situated to facilitate

illegal and illicit conduct and conversations. Snap’s algorithm serves up children to adult predators, and Snap Map lets them find them in the real world. Snap knows all of this.

7. Snap was specifically aware, but failed to warn children and parents, of “rampant” and “massive” sextortion on its platform—a problem so grave that it drives children facing merciless and relentless blackmail demands or disclosure of intimate images to their families and friends to suicide. Snap trust and safety employees acknowledged the “psychological impact” of sextortion on its victims “especially when those victims are minors.” By November 2022, Snap employees were discussing 10,000 user reports of sextortion each month, while acknowledging that these reports “likely represent a small fraction of this abuse” given the shame and other barriers to reporting. One month later, a Snap draft marketing brief discussed not wanting to “strik[e] fear” among its young users.

8. Instead of implementing additional safeguards to address the unique susceptibility of Snapchat, Snap has done the opposite. While recognizing the need to ensure that “user reports related to grooming and sextortion are not continuing to fall through the cracks” and that “no action is taken by agents” in instances where users report “being sextorted or asked for nudes (which we know is often the start of sextortion),” Snap also complained internally that identifying and protecting minors from sexually explicit content and predatory users would overburden its moderators, “create disproportionate admin costs,” and should not be its responsibility. Snap employees pointed to a “case where an account had 75 different reports against it since Oct. ’21, mentioning nudes, minors, and extortion, yet the account was still active.”

9. Snap’s design decisions and refusal to address glaring safety defects have engineered and amplified an internet forum ripe for abuse and rampant with illicit conduct and activity. Snap may claim that Snapchat is unlike other social media, but those claims are false and

knowingly so. Snap's conduct is not only dangerously deceptive; it is unlawful. This action seeks to force Snap to institute protections for children because it refuses to do so voluntarily, despite its public promises.

10. In 2022, an outside consultant advised Snap that “experiencing inappropriate contact and unsolicited communications seems to be a relatively common problem on Snapchat....” Indeed, according to Snap's own research that year, it knew that more than one-third of teen girls and 30% of teen boys were exposed to unwanted contact on its platform. One year later, over half (or 51%) of Gen Z respondents in Snap's surveys indicated that they or a friend were targeted for catfishing, an effort to trick users into sharing personal information or sexually explicit images; of those, half said it had happened to *them* in the last 3 months; 44% had actually shared images or information and one quarter were threatened with or had their personal information or intimate images shared.

11. Simultaneously with its knowing failure to curb the sexual exploitation of children on its platform, Snap targeted the age-based vulnerabilities of children by adopting algorithms and platform designs that are addictive to young users. Snap knowingly sought to maximize teen engagement on its platform. It chose to implement features such as ephemeral messaging, Quick Add, My Eyes Only, Discover, My AI, private video chats, Streaks and Spotlight, among others that are described below, which were designed to increase the amount of time young users spend on its platform while inhibiting the ability of those users to self-regulate. Snap's platform is the social media equivalent of an addictive drug from which young users cannot break free. Snap knew that its design features fostered addiction, anxiety, depression, self-harm, and suicide among teens and preteens. But Snap and its CEO rejected repeated internal proposals, and external pressures, to take steps to address the harms that it caused, and continues to cause, to children's mental health.

12. Snap profits from its exposure of young users to harmful material and its refusal to implement adequate design features that would protect children from sexual exploitation and harm. It does so not by charging children for accessing its platform but instead by monetizing, in the form of targeted advertising, the data that Snap gathers about its young users and their usage. Snap’s “targeted” advertising program allows advertisers to direct advertisements to consumers more precisely than would otherwise be possible using traditional media. This arrangement has proved particularly lucrative for Snap. The company reported more than \$ 4.606 billion in annual revenue in 2023, and \$4.602 billion the year before. As Snap’s financials confirm, all or substantially all of this revenue is attributable to advertising and enhanced by its user-data-driven ability to target advertising.

13. Snap’s platform must maintain massive user bases to generate its target revenue. Snap must not only attract new users year over year, but it must ensure that existing users remain on its platform. If users leave its platform, if new users refuse to join altogether, or if these users spend less time on its platform, Snap’s revenues will suffer as it would have less private data, and fewer users, to sell. As Snap warns investors in its annual SEC filings, “Product innovation is inherently volatile, and if new or enhanced products fail to engage our users, advertisers, or partners, or if we fail to give our users meaningful reasons to return to our application, we may fail to attract or retain users or to generate sufficient revenue, operating margin, or other value to justify our investments, any of which may seriously harm our business in the short term, long term, or both.”² Further, Snap warns, “Our financial condition and results of operations in any given quarter can be influenced by numerous factors, many of which we are unable to predict or are outside of our control, including our ability to maintain and grow our user base and user engagement.”³

² Snap Form 10-K (Feb. 7, 2024).

³ Id.

14. As Snap added new features to its platform, the number of Snapchat’s daily active users (users who open Snapchat at least once during a 24-hour period) rapidly increased.⁴ Sixty percent of teens age 13 to 17 use Snapchat, and half of all teens in the United States use Snapchat *every day*, even more than Instagram.⁵ In 2017, Snap reported that its users opened the product more than 18 times a day on average. By 2019, users were opening the product an average of 30 times per day.

15. Despite its ubiquitous and explicitly dangerous use by children, and contrary to its public pronouncements, Snap has made platform choices that favor engagement over safety. Former Snap trust and safety employees complained that “they had little contact with upper management, compared to their work at other social media companies, and that there was pushback in trying to add in-app safety mechanisms because [Snap CEO] Evan Spiegel prioritized design.”

16. Snap’s business model of profit over child safety and business practices of misrepresenting the amount of dangerous material and conduct to which its platform expose children violates New Mexico law. Snap should be held accountable for the harms it has inflicted on New Mexico’s children and be required to make its platform as safe for children as the law requires.

II. PARTIES

17. This action is brought by the State of New Mexico in its sovereign capacity by and through Raúl Torrez, the Attorney General of the State of New Mexico. The Attorney General acts pursuant to his authority under, *inter alia*, NMSA 1978, Sections 8-5-1 to 17 (1933, as amended through 1999); the New Mexico Unfair Practices Act, NMSA 1978, Sections 57-12-1 to 26 (1967, as amended through 2009); and NMSA 1978, Sections 30-8-1, 30-8-8 (1963).

⁴ Snap Inc. Form S-1 Registration Statement (hereafter “Form S-1”) at 91 (Feb. 2, 2017).

⁵ <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>

18. Defendant Snap Inc. (“Snap”) is a Delaware corporation. Its principal place of business is in Santa Monica, California.

19. Snap owns, operates, controls, produces, designs, maintains, manages, develops, tests, labels, markets, advertises, promotes, supplies, and distributes the app Snapchat. Snapchat is widely available to consumers throughout the United States.

20. At all relevant times, Snap, including through its executives, collectively directed, controlled, had the authority to control, or participated in all aspects of the strategy, operation, planning, management, policies, design, and development of its social media platform, including in the acts and practices set forth in this Complaint.

21. As detailed in the allegations below, Snap is engaging, has engaged, and continues to engage in unfair, deceptive, unconscionable, and unlawful activity in New Mexico. Snap has conducted this activity on its own and/or through its executive officers and directors.

22. Subject matter jurisdiction for this case is conferred upon this Court pursuant to, *inter alia*, Article VI, Section 13 of the New Mexico Constitution.

23. This Court has personal jurisdiction over Snap because Snap does business in New Mexico and/or has the requisite minimum contacts with New Mexico necessary to constitutionally permit the Court to exercise jurisdiction, with such jurisdiction also within the contemplation of the New Mexico “long arm” statute, NMSA 1978, Section 38-1-16 (1971).

24. Snap has purposefully availed itself of the privilege of conducting activities in New Mexico. Specifically, Snap has purposefully directed its activities at New Mexico residents and the suit arises out of or relates to those activities.

25. For at least 10 years, Snap has systematically served the New Mexico market by offering its platform to New Mexico residents. Snap advertises its products extensively in New

Mexico, through television and Internet advertisements, as well as other mediums directed to or available to New Mexico residents. Snap also sells advertising to third parties that is intended to reach customers in New Mexico. Thus, Snap is much more than a passive internet host with no connection to New Mexico. Rather, by virtue of its advertising and the actual conduct of its business within New Mexico, Snap intended that its products would be used and would create effects specifically within New Mexico. The effects and harms described in this Complaint all arise out of or are related to this conduct, and the harms described herein occurred within New Mexico. Additionally, as described below, Snap offers a paid “Snapchat+” service in New Mexico and nationally, by which users pay Snap in exchange for use of Snapchat and access to advanced features. On information and belief, Snap has received money from users in New Mexico for the “Snapchat+” service.

26. The State brings this action exclusively under the law of the State of New Mexico. No federal claims are being asserted, and to the extent that any claim or factual assertion set forth herein may be construed to have stated any claim for relief arising under federal law, such claim is expressly disavowed and disclaimed by the State. The State’s citation to federal statutes is only to underscore public policy and standards that inform the State’s claims that Snap’s conduct is deceptive, unfair, and unconscionable and constitutes a public nuisance under New Mexico law and are not alleged as independent claims or causes of action.

27. The State does not seek to hold Snap liable as the publisher or speaker of any of the content described herein. Rather, the State’s claims against Snap are based upon Snap’s deceptive, unfair, unconscionable, unreasonable, and unlawful conduct in designing and maintaining its products in such a manner so as to cause known harms to its users, and making deceptive statements concerning Snap’s conduct, platform, and policies that, in fact, constituted

misrepresentations or contained material omissions concerning the content existing on Snap's platform and Snap's dedication and/or efforts to combat that conduct. Further, to the extent the allegations are construed to hold Snap liable as the publisher or speaker of content on its platform, such claims fall within exceptions to such liability.

28. Venue is proper in this Court pursuant to NMSA 1978, Section 38-3-1 (1988), because the Office of the Attorney General and the seat of the State Government are situated in the City and County of Santa Fe, State of New Mexico, and the claims for relief asserted herein arose in large part in the City and County of Santa Fe, New Mexico.

29. Pursuant to Rules 1-038 (A) and (B)(1) NMRA, Plaintiff hereby demands trial by jury of twelve persons. As a State agency, the Attorney General's office is exempt from paying a jury demand fee.

III. SNAP ENGAGES IN TRADE OR COMMERCE WITHIN NEW MEXICO

30. Snap has engaged in trade or commerce within New Mexico within the meaning of the Unfair Practices Act ("UPA"). Snap designed its platform to monetize its users' private data as a form of currency that it uses to secure revenue from targeted advertising. Snap allows its platform to operate in a manner that cultivates the creation and proliferation of harmful content including CSAM, sextortion, and the trafficking of children, drugs and guns, and designed its platform in a manner that fosters mental health harm and self-harm among teens and preteens.

31. Snap's platform is offered to and used by New Mexico citizens and/or citizens of other states traveling in or visiting New Mexico in the course of Snap's commercial activities. The platform does not operate on a state-specific basis; nor do they employ electronic geographical boundaries that restrict usage in New Mexico.

32. Snap contracts with New Mexico users in order to use its platform. Snap’s Terms of Service state: “By using the Services, you represent, warrant, and agree that: ... you can form a *binding contract with Snap.*”⁶

33. Snap contracts with New Mexico advertisers and advertisers targeting New Mexico residents to deliver targeted advertisements in and affecting New Mexico.

34. Snap engages in trade and commerce even with New Mexico users who do not pay a subscription fee to use its products. Snap monetizes consumers’ private data by actively harvesting it and using it to sell lucrative advertising. In 2014, Snap began running advertisements on its platform.⁷ In its 2023 Annual Report, Snap noted, “We generate substantially all of our revenue from advertising.”⁸ In 2023, Snap’s revenue was approximately \$4.6 billion.⁹

35. For a subset of users, including, on information and belief, users in New Mexico, Snap charges a monthly fee for a service called “Snapchat+,” in exchange for which users receive access to additional features on Snapchat.

36. Snap attracts advertisers by providing them access to the huge universe of Snapchat users and by collecting immense amounts of data on its users, including its pre-teen and teenage users, which it uses to target advertising to those users. Snap makes no secret of this practice, acknowledging that it relies “heavily on our ability to collect and disclose data, and metrics to our advertisers so we can attract new advertisers and retain existing advertisers. Any restriction or inability, whether by law, regulation, policy, or other reason, to collect and disclose data and

⁶ <https://snap.com/en-US/terms>

⁷ Angela Moscaritolo, *Snapchat Adds ‘Geofilters’ in LA*, *New York*, PC Mag. (July 15, 2014).

⁸ Snap Inc. Annual Report (Form 10-K) at 6 (filed Feb. 7, 2024).

⁹ *Id.* at 58.

metrics which our advertisers find useful would impede our ability to attract and retain advertisers.”¹⁰

37. Retaining users and maintaining or increasing their level of engagement is thus a key focus for Snap, and Snap’s own securities filings confirm that a decline in users or user engagement would result in a decline in revenue. Snap has repeatedly admitted to its investors that its revenue could be harmed by, among other things, “a decrease in the amount of time spent on Snapchat, a decrease in the amount of content that our users share, or decreases in usage of our Camera, Visual Messaging, Map, Stories, and Spotlight platform.”¹¹

38. The phrase “ad impressions” generally refers to the number of “views” an advertisement receives on Snap’s platform. Snap maximizes the number of “ad impressions” by collecting data from its users and then monetizes that data by using it, in the aggregate, to target advertisements to demographics or individuals with characteristics that advertisers find appealing.

39. Snap collects a tremendous amount of data from its users, including minors, as detailed in its Privacy Policy. Noted in the section titled, “Information We Generate When You Use Our Services”, it states, “When you use our Services, we collect information about which of those Services you’ve used and how you’ve used them. ... This includes usage information (information about how you interact with our Services — for example, which Lenses you view and apply, Stories you watch, and how often you communicate with other Snapchatters) and content information (information about content you create or provide, your engagement with the camera and creative tools, your interactions with My AI, and metadata — for example, information about the content itself like the date and time it was posted and who viewed it). Content information includes information based on the content of the image, video, or audio — so if you post a Spotlight

¹⁰ Snap Inc. Form 10-K at 18 (Dec. 31, 2022).

¹¹ *Id.* at 19.

of a basketball game, we may use that information to show you more content on Spotlight about basketball.”¹²

40. Further, “This also includes device information (such as your hardware or software, operating system, device memory, advertising identifiers, apps installed, browser types, information from device sensors that measure the motion of your device or compasses and microphones, including whether you have headphones connected, and information about your wireless and mobile connections), location information (IP address), information collected by cookies and similar technologies, depending on your settings, (cookies, web beacons (small graphic data that recognize user activity, such as if and how often a user has visited a website), web storage, unique advertising identifiers), and log information (such as details about how you’ve used our Services, access times, pages viewed, IP address, and unique identifiers like cookies).”¹³

41. Additionally, “If you’ve explicitly granted device-level permissions, device information may also include information about your device phonebook (contacts and related information), images and other information from your device’s camera, photos, and microphone (like the ability to take photos, videos, view stored photos and videos, and access the microphone to record audio while recording video), and location information (precise location through methods like GPS signals).”¹⁴

42. The Privacy Policy also details how Snap uses the data collected. For example, Snap states, “[w]e use your interests and preferences from the information we’ve collected to personalize, target, and measure ads.”¹⁵

¹² Snap Inc. Privacy Policy (https://values.snap.com/privacy/privacy-policy?_ga=2.215900757.310892978.1717003855-1481525108.1710442674).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

43. Snap’s ability to collect and aggregate data and to enable advertisers to incorporate the collected data into an advertising strategy are key selling points to advertisers.

44. For Snap, this *quid pro quo* with advertisers has proved lucrative. Snapchat is one of the world’s most widely used apps. By late 2012, Snapchat had over a million active users sending over 20 million Snaps per day.¹⁶ By 2013, Snapchat users were sending over 60 million Snaps per day.¹⁷ By the end of 2022, this number has risen to over 5 billion Snaps per day.¹⁸ On average, in the quarter ended December 31, 2023, Snap had “414 million daily active users, or DAUs, on average, an increase of 39 million or 10%” over 2022.¹⁹ Snap’s CEO and founder Evan Spiegel noted that “monthly active users, or MAUs, increased more than 8% year-over-year and surpassed the 800 million milestone in Q4 [2023], demonstrating progress towards [its] goal of 1 billion monthly active users.”²⁰

45. Snapchat also “reaches 90% of the 13–24-year-old population” in over twenty countries and reaches nearly half of all smartphone users in the United States.²¹ In an October 2019 interview, Snap’s CEO explained that “we’ve seen a lot of engagement with our 13-34 demographic, which for us is strategically a critical demographic, not only because that’s a demographic that enjoys using new products but also because I think they represent, really, the future . . . So that’s obviously been a group that’s been really fun to build for, and really it started because those are our friends.”²²

46. In October 2021, in written responses to the United States Senate, Snap noted that “about 20% of its reach in the United States is aged 13 to 17.”

¹⁶ Billy Gallagher, *You Know What’s Cool? A Billion Snapchats: App Sees Over 20 Million Photos Shared Per Day, Releases On Android*, TechCrunch (Oct. 29, 2012).

¹⁷ Billy Gallagher, *Snapchat Raises \$13.5M Series A Led By Benchmark, Now Sees 60M Snaps Sent Per Day*, TechCrunch (Feb. 9, 2013).

¹⁸ Snap Inc. Q4 2022 Investors Meeting Transcript at p. 7 (Jan. 31, 2023).

¹⁹ Snap Inc. Annual Report (Form 10-K) (Feb. 7, 2024).

²⁰ Snap Inc. Earnings Call dated 2/6/2024.

²¹ October 2022 Investor Presentation at 6-7, Snap Inc. (Oct. 20, 2022).

²² Evan Spiegel, Co-Founder and CEO of Snap Inc., Goldman Sachs, at 4:43-6:23. (Oct. 2, 2019).

47. [REDACTED]

48. As noted below, documents produced by Snap show that it was notified of tips of child sexual exploitation related to New Mexico users in most months between 2020 and 2023. Moreover, Snap identified illegal content on Snapchat involving New Mexico users.

49. Thus, Snap operates in trade and commerce with New Mexico consumers, including large numbers of children, who, knowingly or not, “agree” to allow Snap to use and monetize their data and engagement to increase its revenue.

IV. BACKGROUND

50. “Snapchat was created... in 2011 and first released for iPhones in September 2011.” Snapchat’s central and defining feature, the “Snap,” allows users to send and receive ephemeral, or “disappearing,” audiovisual messages.²³ Since its launch, Snap’s leadership rapidly developed new product features. As a result of its design and implementation of dangerous and addictive features specifically targeting youths, Snapchat quickly became widely used among children.

51. Snap marketed Snapchat as “temporary social media” that would allow users to show a more authentic, unpolished, and spontaneous side of themselves.²⁴ The ephemeral feature foreseeably and quickly drove users, including minors, to exchange sexually explicit “Snaps,” sometimes called “sexts” even though they are photos. Because of its brand identity among millennials as the original ephemeral-messaging app, Snapchat almost immediately became known as the “sexting” app—a fact that Snap would have known from public sources.²⁵

²³ Form S-1 at 1.

²⁴ Jenna Wortham, *A Growing App Lets You See It, Then You Don’t*, *New York Times* (Feb. 9, 2013), https://www.nytimes.com/2013/02/09/technology/snapchat-a-growing-app-lets-you-see-itthen-you-dont.html?_r=0.

²⁵ Megan Dickey, *Let’s Be Real: Snapchat Is Totally Used For Sexting*, *Bus. Insider* (Nov. 30, 2012), <https://www.businessinsider.com/snapchat-growth-sexting-2012-11>; Billy Gallagher, *No, Snapchat Isn’t About*

52. Snap also became the predominant forum for “sextortion,” whereby predators solicit and capture sexually explicit images of users, including children lulled into a false sense of security by Snap’s promises that images will disappear, and then extort senders to send money to avoid distribution of the Snap to friends and family. Especially because teenagers are already anxious about their social image, parents and law enforcement report numerous children driven to suicide by the shame and fear of sexually explicit Snaps.²⁶

53. Snapchat creates images and GIFs (a form of images) for users to incorporate into their videos and picture postings. Snap has also acquired publishing rights to thousands of hours of music and video which it provides to Snapchat users to attach to the videos and pictures that they send.

V. SNAP FACILITATED THE COLLECTION AND DISTRIBUTION OF SEXUALLY EXPLICIT, EXPLOITATIVE AND CHILD SEX ABUSE MATERIALS AND FACILITATED CHILD SEX TRAFFICKING WITHIN OR AFFECTING NEW MEXICO

54. Due to Snapchat’s lack of parental controls and dangerous features that make it easy for predators to find and connect with young victims, there has been a steady increase in child sexual offenders utilizing the platform. With widespread media coverage, government inquiries, and increased public outrage, Snap knew, or should have known, that its platform was endangering its underage users.

55. Snapchat is perhaps the most popular social media platform for children to send sexually explicit images of themselves and for inappropriate sexual interaction with adults.²⁷

Sexting, Says Co-Founder Evan Spiegel, TechCrunch (May 12, 2012), <https://techcrunch.com/2012/05/12/snapchat-not-sexting/b> (describing an interview in which a journalist asked the CEO of Snap about the product’s potential use for sexting).

²⁶ See, e.g., Chris Moody, “‘IDK what to do’: Thousands of teen boys are being extorted in sexting scams,” Washington Post (Oct. 2, 2023); Sarah Maslin Nir, ‘Chelsea’ Asked for Nude Pictures. Then the Sextortion Began, New York Times (May 15, 2024).

²⁷ https://endsexualexploitation.org/wp-content/uploads/Snapchat-Proof-Compilation_July-2023_DDL-2023.pdf (at page 2).

- #1 parent-reported platform for sharing of child-sex abuse material (Parents Together, Apr. 2023)
- #1 platform where most minors reported having an online sexual interaction (Thorn Report, Feb. 2023)
- #2 highest platform used for sextortion (Snapchat 38%, Instagram 42% – “by far the most frequently used social media environments where victims were targeted” (Canadian Centre for Child Protection, Aug. 2022)
- #3 for platforms on which minor users reported having a sexual experience with an adult (Thorn Report, Feb. 2023)
- #3 parent-reported platform for sexually explicit requests to children (Parents Together, Apr. 2023)
- Snapchat was the most identified platform for the recruitment of sex trafficking victims from 2021-2023 (2023 Federal Human Trafficking Report)

56. Additionally, the National Center on Sexual Exploitation’s Director of Corporate and Strategic Initiatives Lina Nealon noted,

In my conversations with law enforcement, child safety experts, lawyers, survivors, and youth, I ask them what the most dangerous app is, and without fail, Snap is in the top two. Just in the past few months, three separate child protection agencies noted Snapchat to be the top app together with Instagram for sextortion, one of the top three places children were most likely to view pornography outside of pornography sites, and the number one online site where children were most likely to have a sexual interaction, including with someone they believe to be an adult.

57. Since 2016, Snap has been named practically every year, including 2023, in the National Center on Sexual Exploitation’s (“NCOSE”) Dirty Dozen List, which exposes twelve mainstream entities for facilitating or profiting from sexual abuse and exploitation.²⁸

58. This is a problem entirely of Snap’s making. In February 2021, former Snap trust and safety employees revealed that from 2015 to 2020, Snap’s CEO Even Spiegel was not

²⁸ <https://endsexualexploitation.org/dirtydozenlist-2021/>.

interested in prioritizing safety issues. “They sa[id] they had little contact with upper management, compared to their work at other social media companies, and that there was pushback in trying to add in-app safety mechanisms because Evan Spiegel prioritized design.”

59. Snapchat’s Terms of Service state its services are not directed to children under the age of 13 and that users must “confirm” that they are 13 or older to create an account.²⁹ Snap has touted its safety measures ensuring age-appropriate use. Such assurances include: (1) “Registration requires a date of birth, (2) Snap reports that “registration fails if a user is under the age of 13 years”; (3) “If Snap is made aware that a Snapchat user is under the age of 13 years by a user, a parent or law enforcement report, Snap terminates the account and deletes the user’s data.”; (4) “Snap prevents a user ages 13 to 17 years old from updating their year of birth to an age over 18 years.”

60. As indicated by Snap, its age verification features rely on its minor users being truthful about their age. Snap has recognized this design flaw:³⁰

Some of our demographic data may be incomplete or inaccurate because users self-report their dates of birth, our age-demographic data may differ from our users’ actual ages. And because users who signed up for Snapchat before June 2013 were not asked to supply their date of birth, we may exclude those users from our age demographics or estimate their ages based on a sample of the self-reported ages that we do have. If our active users provide us with incorrect or incomplete information regarding their age or other attributes, then our estimates may prove inaccurate and fail to meet investor expectations.

61. In a March 2022 internal email thread regarding Snap’s response to U.S. & Global age verification legislation, Snap’s Senior Director of Public Policy International responded, “There’s only so many times we can say ‘safety-by-design’ or ‘we’re kind.’ Politicians and regulators are looking for tangible substantive progress/initiatives. I’m not saying we should do

²⁹ Snapchat Terms of Service at section, “Who can use the services.” <https://snap.com/en-US/terms>

³⁰ Snap Inc. Annual Report (Form 10-K) (Feb. 7, 2024).

that because we're told to do so, but we should be aware that our current position, having used it for so long, is wearing very thin. Age assurance, in particular, remains a real weakness.”

62. In a May 6, 2022, FOSI Age Assurance Working Group email, a Snap executive stated, “I don't think we can say that we actually verify ... This surfaced in that ugly WashPo piece this week ... ‘Snap says users must be 13 or older, but the app, like many other platforms, doesn't use an age-verification system, so any child who knows how to type a fake birthday can create an account. ...’”

63. While failing to prevent, identify, or protect even young children on its platform, Snap introduced them to the equivalent of an adults-only show for which they were not only the inappropriate audience, but often the main object. News outlets have reported the ongoing exploitation of children across the nation, and specifically in New Mexico, on Snap’s platform, with devastating results:

- a. According to a criminal complaint, a child predator began communicating via Snapchat with a 15-year-old girl in a sexually explicit manner beginning in May 2017, and ultimately traveled from Las Cruces to El Paso to engage in sexual intercourse with the girl.³¹
- b. On August 9, 2019, a Sandy (UT) man was charged for using Snapchat and other apps to meet underage girls online and sending them inappropriate pictures and videos.... The defendant admitted to communicating with “multiple underage minors,” including sending graphic pictures to girls in New Mexico and Canada. He had sex with a 14-year-old girl when he was 21, according to charges, and arranged to meet.³²
- c. In June 2021, two girls received messages from anonymous Instagram and Snapchat accounts they believed were run by defendant. Officials executed a search warrant and located a phone containing several images of the girls and a desktop computer with several photos and videos of children appearing to be younger than 16 years of age engaging in sexual activities,

³¹ *Las Cruces youth minister charged with child exploitation*, Sun-News Reports Las Cruces Sun-News, (Oct. 10, 2017).

³² Pat Reavy, *Utah man sought out underage girls on Snapchat and Instagram, charges state*, Deseret News, (Aug. 9, 2019).

according to the arrest warrant.³³

- d. On August 3, 2021, a man was arrested for distributing child sex abuse materials to accounts on Snapchat, including those belonging to two users in Farmington. One search warrant to Snapchat allegedly showed how the defendant sent the photos and videos of nine users across the United States and Mexico.³⁴ Investigators were able to trace posts made in April on Snapchat to an IP address belonging to the defendant. According to his plea agreement, the defendant possessed photos and videos “depicting young females, as young as toddler aged females,” engaged in sexual acts.³⁵
- e. In October 2021, investigators with Homeland Security arrested two people, charging the pair with two counts of sexually exploiting a minor, including illegally transporting the girl to Colorado, New Mexico, and Texas over a three-month period. According to court documents, the defendant “recruited” the girl—identified only as Jane Doe —through Snapchat, offering her employment. On Aug. 19 [2021], the defendant met the girl at a hotel in Phoenix where he allegedly raped her, “to see if she would be able to make him money.” The defendant then took Jane Doe to an apartment in Tucson where he forced her to perform sex acts with other people for money.³⁶
- f. On December 14, 2022, law enforcement officers in Chavez County, New Mexico, responded to a reported sexual assault involving a 12-year-old victim, identified as Jane Doe 1. The defendant paid money to Jane Doe 1 in exchange for engaging in sexual activity on three occasions, and allegedly first contacted Jane Doe 2 via Snapchat two or three years earlier, when she was 10 or 11 years old. The defendant learned of Jane Doe 2’s address and parked outside her residence.³⁷
- g. December 20, 2022- According to court records, a Snapchat user reported to the National Center for Missing and Exploited Children (“NCMEC”) that the user had received threats through Snapchat and that a friend had received possible CSAM.³⁸ In his plea agreement, the defendant admitted that beginning at least in October 2019 and continuing until his arrest on June 17, 2021, he targeted minors online for sexual extortion, and, using

³³ Bailie Myers, *Dora bus driver arrested on charges of sexual exploitation, solicitation of children*, KFDD, (Jun. 15, 2021).

³⁴ Joshua Kellogg, *Farmington man accused of sending child sex abuse materials to Snapchat accounts-The defendant was released from county jail after four days*, Farmington Daily Times, (Aug. 3, 2021).

³⁵ Shane Herald, *Farmington Man Sentenced to Prison for Sexual Exploitation of a Child*, The Journal, (Sep. 26, 2022).

³⁶ Paul Ingram, *Homeland Security agents seek victims of two alleged sex traffickers*, Tucson Sentinel, (Oct. 29, 2021).

³⁷ *Roswell man charged with sex trafficking of children*, Press Release U.S. Attorney's Office, District of New Mexico, (Dec. 14, 2022). It is unknown if the predator utilized Snap Map to locate the minor’s home.

³⁸ *Albuquerque man pleads guilty to cyberstalking, child pornography offenses*, Press Release, US Attorney's Office, District of New Mexico, (Jan. 3, 2023).

various social media platforms, including Snapchat, received, uploaded, and shared CSAM. He also acknowledged extorting sexually explicit material from minors and causing them significant emotional distress.³⁹

- h. In December 2022, the U.S. Attorney announced that a defendant pleaded guilty to five counts of coercion and enticement of minors. Beginning as early as January 2018, the defendant, a basketball coach at Pecos High School, used multiple profiles on Snapchat to threaten, coerce, and manipulate at least four victims between 14- and 16-years old into sending him sexually explicit photos and videos and engage in sexual acts. Defendant had also sent photos of his genitals to one of the 14-year-old girls via Snapchat and threatened he would disseminate her nude photos if his sexual demands were not met.

64. Snap employees regularly received monthly T&S (Trust and Safety) CyberTipline Status Reports, which often contained a table of “feedback NCMEC received from Law Enforcement regarding reports submitted by Snap.” The table often included “ongoing investigation[s]” in New Mexico. For example, “T&S CyberTipline: May 2020 Status Report” included three “ongoing investigation[s]” occurring in New Mexico:

Company	CyberTipline #	Report Date	Status	State/Country	Agent
Snapchat	72112707	5/11/20 11:46	Ongoing Investigation	NM	Caitlyn
Snapchat	64063508	2/5/20 8:26	Ongoing Investigation	NM	Haruno
Snapchat	64879532	2/24/20 0:20	Ongoing Investigation	NM, TX	PDNA

65. Additionally, Snap’s own research, the Digital Well-Being Index (“DWBI”) survey, which was designed to assess online experiences generally, confirmed that sexually explicit and risky communications with teenagers and young adults were pervasive on social media

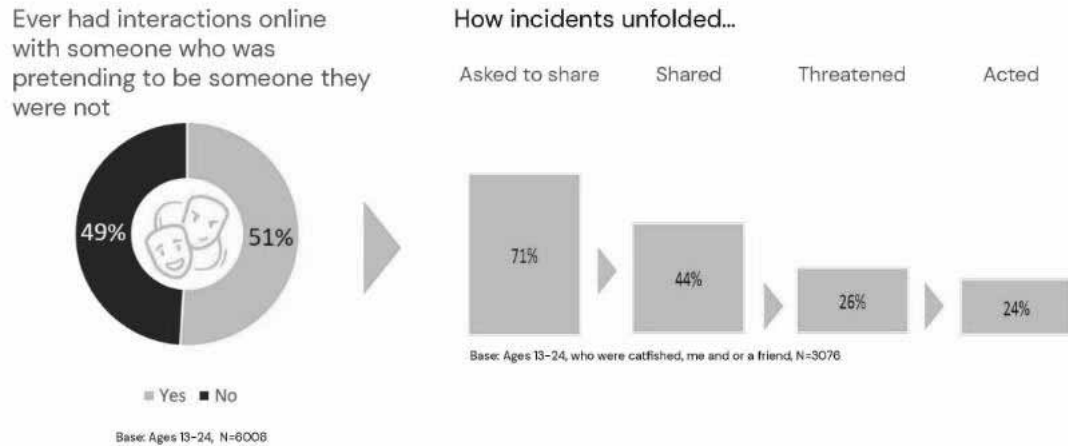
³⁹ *Albuquerque man pleads guilty to cyberstalking, child pornography offenses*, Press Release, US Attorney's Office, District of New Mexico, (Jan. 3, 2023).

platforms, including Snapchat. In 2022, Snap conducted “research into Generation Z’s digital well-being. (Generation Z refers to minors born during the late 1990s and early 2000s.) The study...was adapted for the online environment to produce a DWBI, a measure of Gen Z’s psychological wellbeing online.” Snap’s 2-pager on DWBI findings noted that the study polled a total of 9,003 people, including 500 teens (aged 13-17), 500 young adults (age 18-24) and 500 parents of teens aged 13-19 in each of six countries, including the U.S. “Of the 6,002 teens and young adults surveyed, 76% said they had experienced at least one online risk over the three-month period.” “Perhaps not surprisingly, females reported being exposed to sexual risks and unwanted contact more so than males”:

- % of teen females exposed to sexual risks: 24% v. teen males: 18%
- % of Gen Z young adult females exposed to sexual risks: 37% v. Gen Z young adult males: 27%
- % of teen females exposed to unwanted contact: 35% v. teen males: 30%
- % of Gen Z young adult females exposed to unwanted contact: 43% v. Gen Z young adult males: 33%.

66. In June 2023, the results of Snap’s Digital Well-Being Index-Deeper Dive on Sexual Risks- Year Two, were even more damning and disturbing. The study was conducted of the same number and types of respondents over the same one-month period one year later. Just over half (or 51%) of Gen Z respondents indicated that they or a friend were targeted for catfishing. Catfishing involves a user pretending to be someone else (typically a potential romantic partner) to manipulate the user’s object into sharing personal information or sexually explicit images.

51% of Gen Z: They or a friend targeted for catfishing



Nearly half (47%) said it happened to me in past 3 mos.

Q27_1-2: Have you or a friend ever had interactions online with someone who was pretending to be someone they were not?
 Q27a: Did this person ever ask you or a friend to share any of the following?
 Q27b: After being asked, did you or a friend ever share any of these things?
 Q27c_1-2: Did this person ever threaten to release what you or a friend shared unless you did what they asked?
 Q27e: What actions did you or a friend take in response to the threat?

Of that group, 44% had actually shared images or information and one quarter were threatened with or had their personal information or intimate images shared.

67. Financial sextortion is one of the most rapidly growing crimes targeting American youth.⁴⁰ In January 2024, the Network Contagion Research Institute (NCRI) published its Threat Intelligence Report which warned of an “exponential increase in sextortion cases targeting minors and youth on social media platforms over the past 18 months. During this period, the FBI reported a 1,000% increase in financial sextortion incidents, while NCMEC reported a 7,200% increase in financial sextortion targeting children from 2021-2022. A Reddit community on sextortion has more than 1 million monthly unique viewers and most of its comments are nearly always victims

⁴⁰ A Digital Pandemic: Uncovering the Role of ‘Yahoo Boys’ in the Surge of Social Media-Enabled Financial Sextortion Targeting Minors, NCRI, Paul Raffile, et al. (Jan. 2024).

of sextortion.⁴¹ This surge has been characterized by the FBI Director and international partners as a ‘global crisis that demands everyone’s attention.’⁴²

68. The report describes Snapchat as the “most frequently utilized to coerce victims into sending” sexually explicit photos, noting that “Snapchat is the preferred app by criminals because its design features provide a false sense of security to the victim that their photos will disappear and not be screenshotted.”⁴³

69. The NCRI findings revealed Snap’s platform is used by a West African cybercriminal group called the Yahoo Boys, who use “fake social media accounts to coerce victims, almost all of them boys, into sharing an explicit photo,” which they then use to “threaten to (and sometimes do) expose the photo to victim’s friends, family and followers unless a ransom is paid.”⁴⁴ These sextortion criminals are able to easily bypass Snap’s inadequate safety measure, which promise to notify users after a screenshot has been taken of their Snaps or when a prerecorded video or image is used (another sign of scammers). This allows sextortion victims to falsely believe their images have not been saved by predators.

70. Many sextortion attacks use scripts that have been widely circulated on social media. NCRI reports that “despite the most popular sextortion scripts being publicly accessible since 2021, their text has not yet been blacklisted by...Snapchat” and are “actively being used today against victims.”⁴⁵ Instead of addressing the design flaws that facilitate sextortion and mislead its young users and proactively detecting sextortion scripts on its platform and ban known

⁴¹ *Id.* at 4.

⁴² *Id.* citing <https://www.fbi.gov/news/press-releases/international-law-enforcement-agencies-issue-joint-warning-about-global-financial-sextortion-crisis>. *See also* <https://www.weprotect.org/blog/two-thirds-of-gen-z-targeted-for-online-sextortion-new-snap-research>.

⁴³ *Id.* at 6.

⁴⁴ *Id.*

⁴⁵ *Id.*

cybercriminals, Snap continues to fail to implement adequate safety precautions, despite its promises of safety, and allows its minor users to be victimized by known criminals.

71. As a result of these failures, New Mexico residents have been victimized by sextortion on Snapchat. One complaint received by Snap in June 2023 reflects the desperate cycle in which Snapchat’s young users are lured into on the platform:



VI. NEW MEXICO’S INVESTIGATION CONFIRMED WIDESPREAD CHILD SEXUAL EXPLOITATION ON SNAPCHAT

72. The Department of Justice’s investigation, conducted over recent months, found that child sexual exploitation was prevalent on and through Snapchat. The platform's algorithm and search functions persistently recommended accounts of strangers seeking to reach minors or to acquire or trade CSAM and assisted in the identification of CSAM.

73. An investigator for the Department of Justice set up a decoy account for a 14-year-old girl, Sexy14Heather, pictured below. (Fig. 1). The account profile originally listed her age as 18-years old, but she was able to change her settings to reflect her “true” fictional age. After her profile was modified to a minor’s account, Snapchat set her account to private, though she was still recommended to other users.



Figure 1

74. The 14-year-old girl first searched for 15-year-olds. Snap then recommended additional users to her, including one whose profile described her as “sugar baby 4 pay.” (Fig. 2)

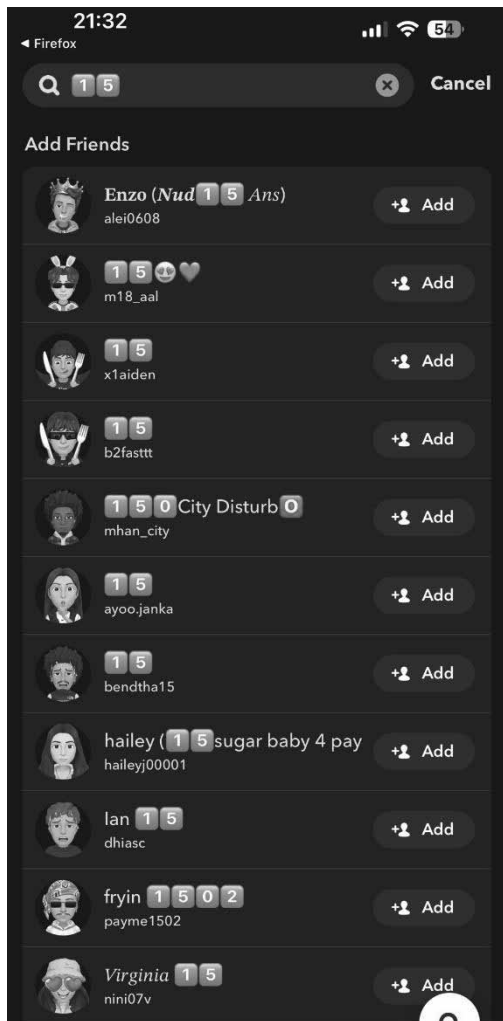



Figure 2

75. Heather did not add any users, but, within a day, she was added by *Enzo (Nud15Ans)*. Once his request to be added as a friend was accepted, the State's decoy account received a message requesting that she send anonymous messages through a ngl.link, an end-to-end encrypted messaging service that enables users to maintain anonymity. (Fig. 3)



Figure 3

76. After 14-year old Heather added Enzo, Snapchat suggested over 91 users, including numerous adult users whose accounts included or sought to exchange sexually explicit content. Throughout the day, Snapchat sent the decoy regular notifications with new user recommendations.

77. Despite Heather’s stated age—which Snap acknowledged in setting her account to “private”—Snapchat’s algorithm suggested a stream of inappropriate and sexually explicit adult recommendations. When Snap blocked some, but not other searches for CSAM keywords, Heather entered “ teen” in the search bar, suggesting she was looking for users under 18-years old. Even though she used no sexually explicit language, the algorithm must have determined that she was looking for CSAM and began recommending users associated with trading it, including accounts with usernames such as “naughtypics” and “addfortrading” (Fig. 4) and “teentr3de,”

“gayhorny13yox,” and “teentradevirgin” (Fig. 5), suggesting that these accounts also were involved in the dissemination of CSAM.

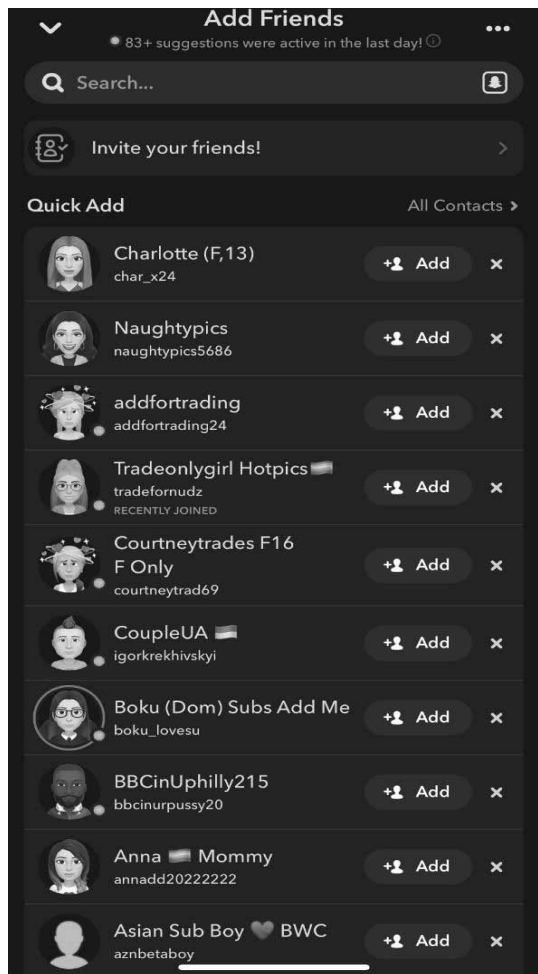


Figure 4

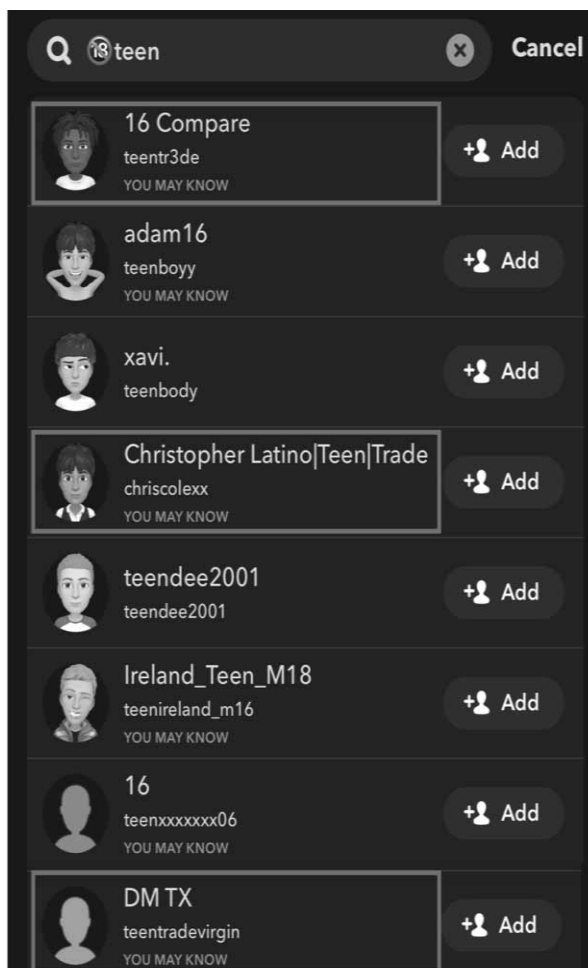


Figure 5

78. Thus, more than merely allowing illicit content, Snap made connections between this teenage girl and illicit users.

79. Moreover, Snap’s notification system pressed Heather to reengage when she was off the platform. Even once Heather stopped searches entirely on Snapchat, she continued to receive notifications and recommendations. Many of these notifications also referenced explicit content, such as “Sendmevids” or “Naughty Slvt.” (Fig. 6).



Figure 6

80. Users recommended to Heather sent inappropriate messages and explicit photos. Below is one Snapchat from “50+ SNGL DAD 4 YNGR,” in which Heather noted her age, sent a photo, and complained about her parents making her to go to school. (Fig. 7). The predator responded with his own photo. (Fig. 8).

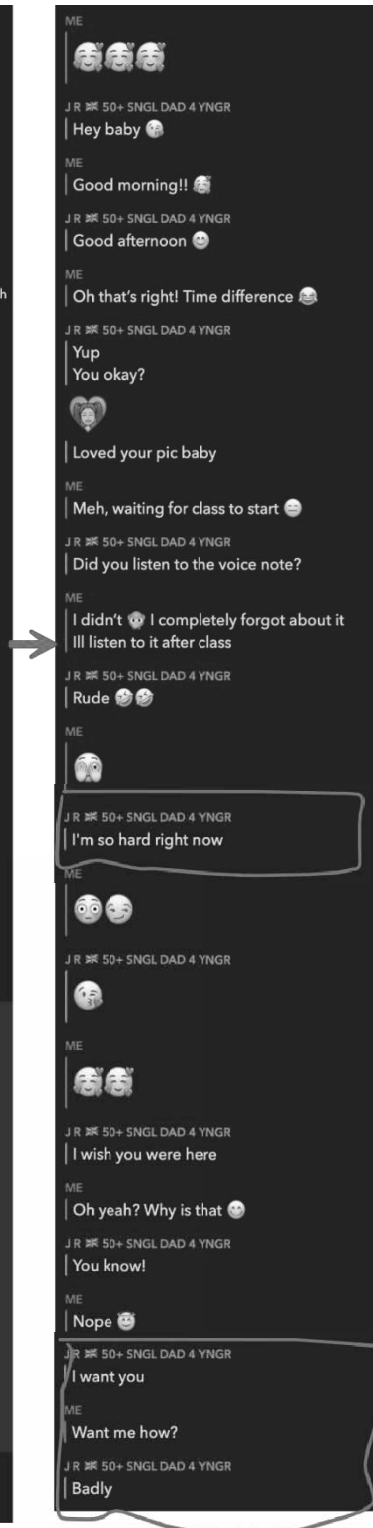
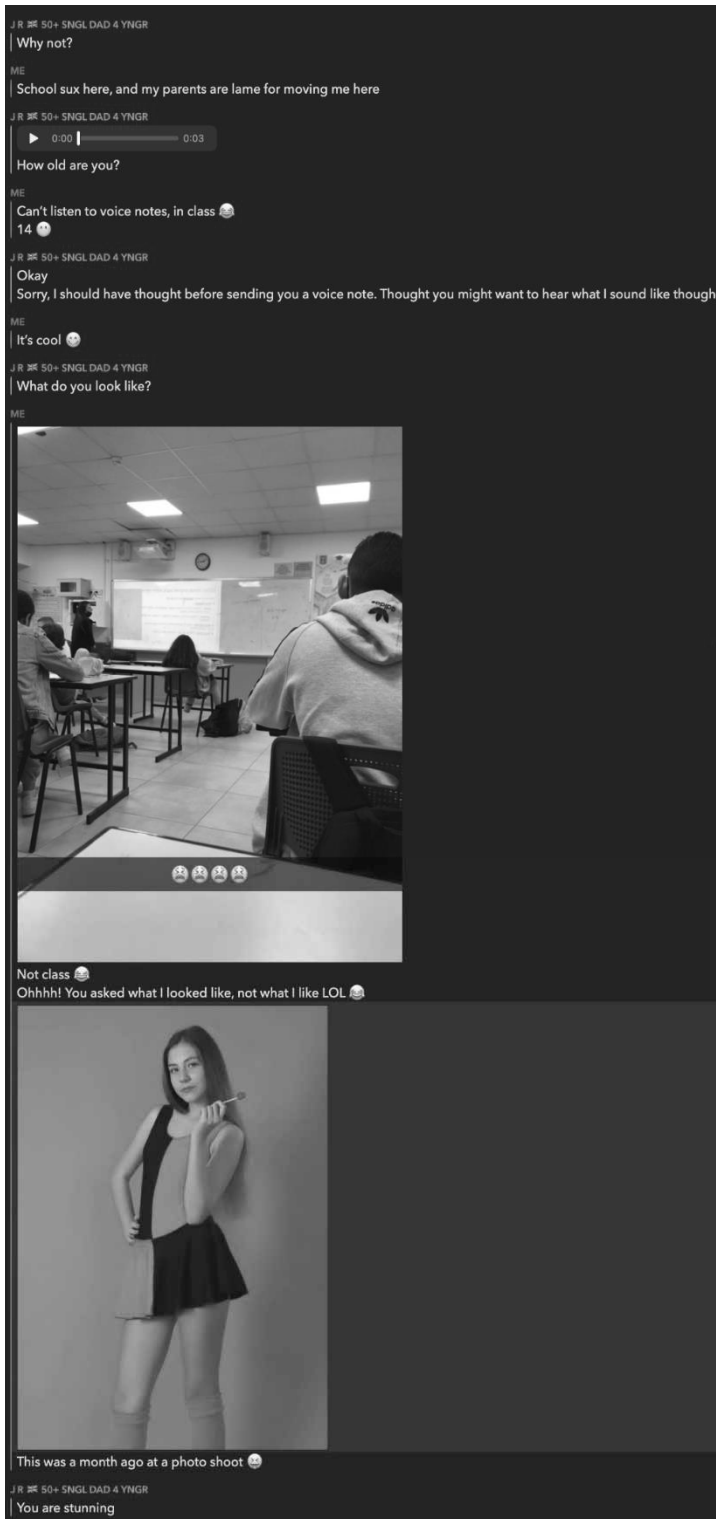


Figure 7



Figure 8

81. Heather added another of Snapchat’s user recommendations—teenxxxxxx06—whose first message was a picture of his erect penis. Another user with the handle “xxx_tradehot” and name “lucasx” asked Heather to trade presumably explicit content. (Fig. 9).

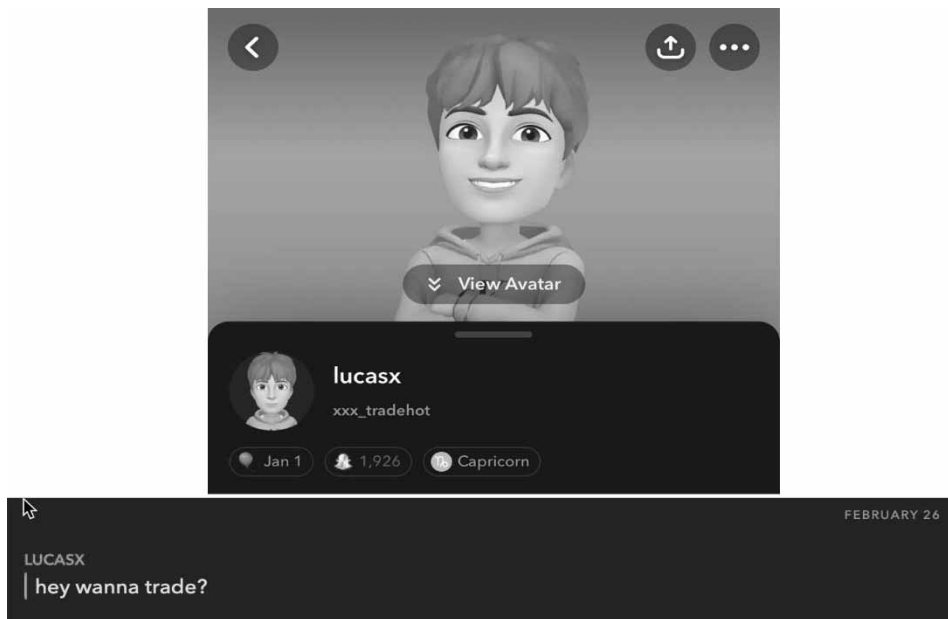


Figure 9

82. The ease with which accounts representing minors were located and targeted by malicious users highlights the manner in which Snap enables sexual exploitation and abuse on its platforms.

83. The identification and grooming of children in New Mexico occurred not only through decoy accounts but to real-world children in New Mexico, whose lives were forever altered by Snap. In 2022, Alejandro Marquez was indicted for the rape of an 11-year-old girl to whom he was introduced through Snapchat's Quick Add feature. After the child went missing, her parents discovered Snaps she had exchanged with a stranger, whose Snapchat account was "sugar_daddy4u29." He offered her money and she agreed to meet him in person, where, feeling pressure to do something, she performed oral sex on him. The girl continued to communicate with Marquez on Snapchat and arranged to meet him again on several occasions, where he again sexually assaulted her. Investigation by the Albuquerque Police Department confirmed Marquez's connection to vehicles matching those described by the victim and cell phone records confirmed his presence near her home. In October 2023, Marquez plead guilty to criminal sexual penetration in the first degree and other offenses and was sentenced to 18 years in prison. In another case, Jeremy Guthrie was sentenced this month in Albuquerque for raping a 12-year old girl who he met and cultivated over Snapchat.

84. The victimization of children through Snapchat is commonplace, and further illustrated by the volume of explicit images linked to Snap on the dark web –a virtual yearbook of child sexual exploitation. The New Mexico Department of Justice's investigation uncovered an ecosystem of sites dedicated to sharing stolen, non-consensual sexual images from Snap accounts, some of whom appear to be underage. Rudimentary searches for "snapchat leaks" or "snapchat teens" confirm the existence of sexually explicit images that are captured on Snap, despite the

illusory safety of ephemeral images, and then sold. Results included links selling stolen Snap accounts or instructions on how to break into Snap accounts, and long lists of links for CSAM and accounts sharing CSAM images and CSAM videos.

85. Other illicit sites offer similar evidence of explicit content obtained from Snapchat, saved, and then disseminated broadly. One site, SpyGame, is dedicated to sharing explicit photos of girls from their social media accounts. SpyGame encourages users to share leaked images to get access to other material or offers access to its library for \$249. (Fig. 10). Users can search for girls by country, with the United States featuring the highest number of “leaked girls.” Clicking on the U.S. led to a long list of girls by name and included explicit photos from Snap. Similar dark web sites contained similar materials, including references to high school students and “OC” (original content) of non-consensual porn leaked from Snap. Among the sites were images of at least one New Mexico girl, including previews of explicit images. (Fig. 11).

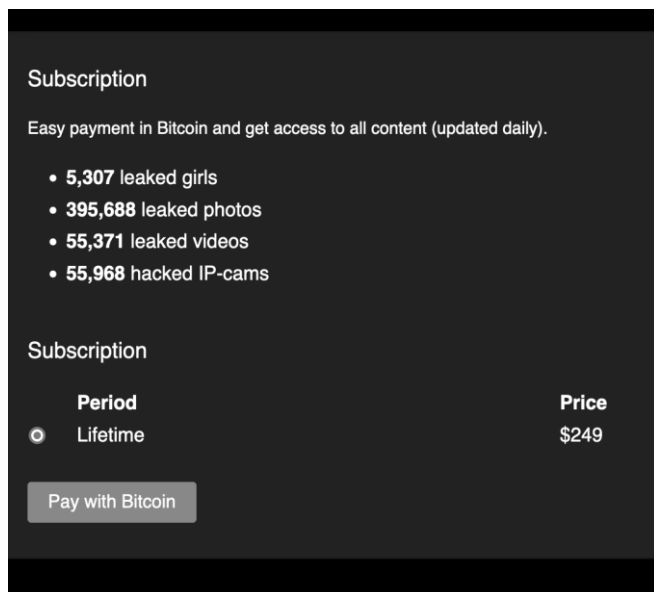


Figure 10

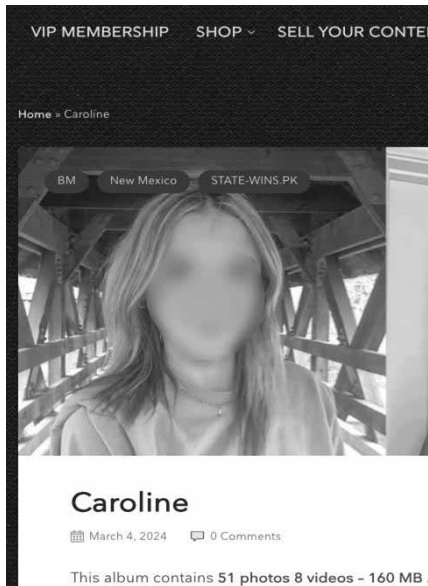


Figure 11

86. One of these dark web sites includes a comprehensive handbook for online sextortion that highlights the manner in which Snap’s design and deception enabled predators to obtain, distribute, and extort child sexual exploitation material on its platform. The author dedicated two chapters to Snapchat manipulation and abuse. (Fig. 12).

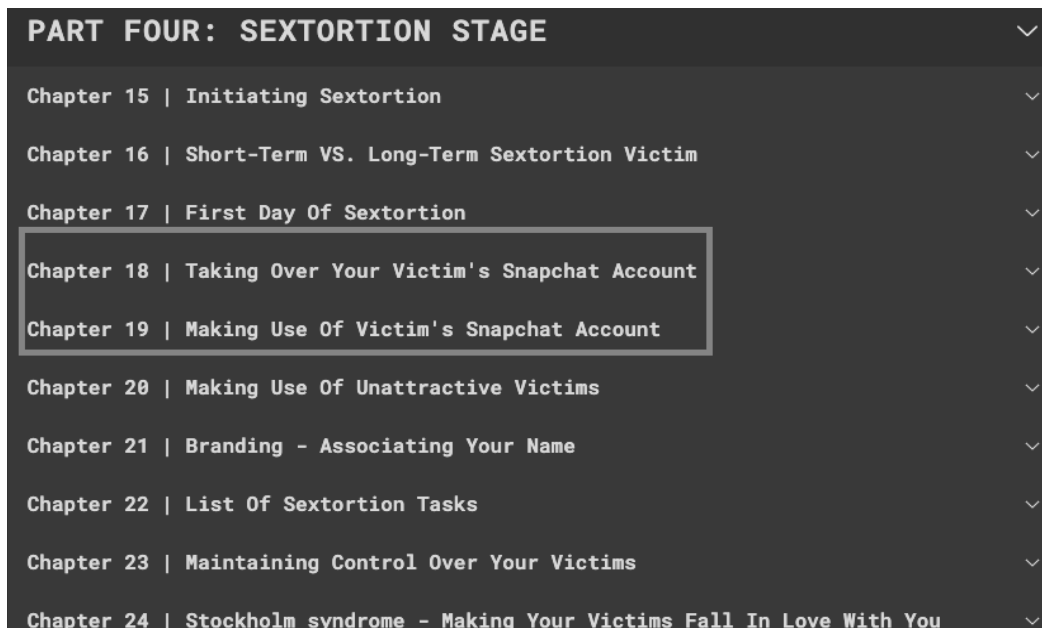


Figure 12

87. The handbook describes Snapchat as an ideal vehicle for sextortion because of its intimacy and the belief in its privacy, based on Snap’s promises of screenshot detection and its ephemerality settings. (Fig. 13).

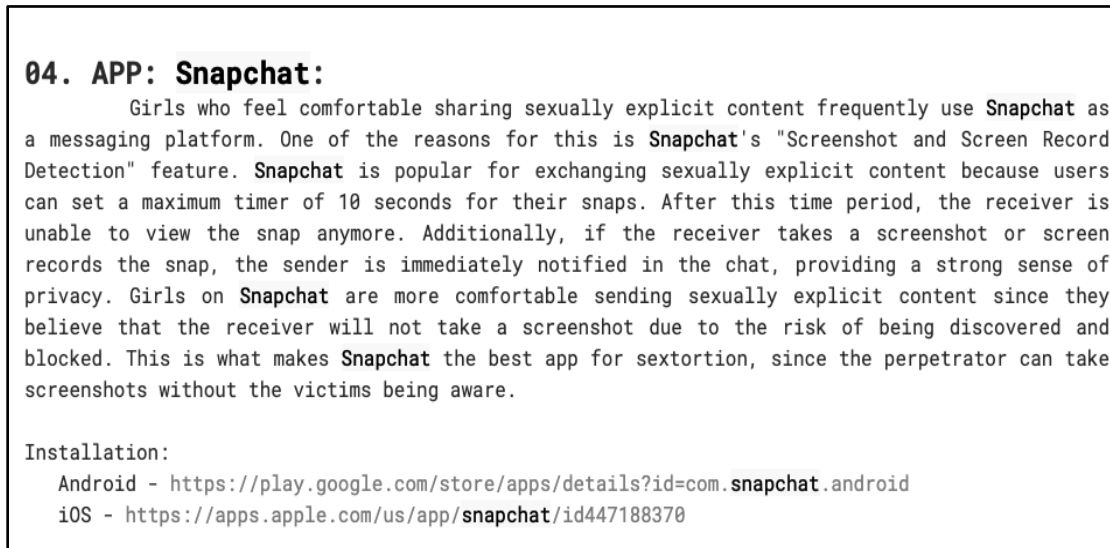


Figure 13

88. The instructions direct users to pose as teens age 13-17, and state that teenagers younger than 18 are most likely to be sextortion victims. New Mexico is listed as one of the top 10 states with the highest success rate of “receiving sexually explicit photos from targets.” (Fig. 14).

During the seven years that I have been engaged in the practice of sextortion, I have encountered and sextorted targets from all over the world, leaving no location unexplored. After doing extensive research, I have compiled a list of the top ten states in the USA and the top three countries that have the highest success rate of receiving sexually explicit photos from targets during the first conversation.

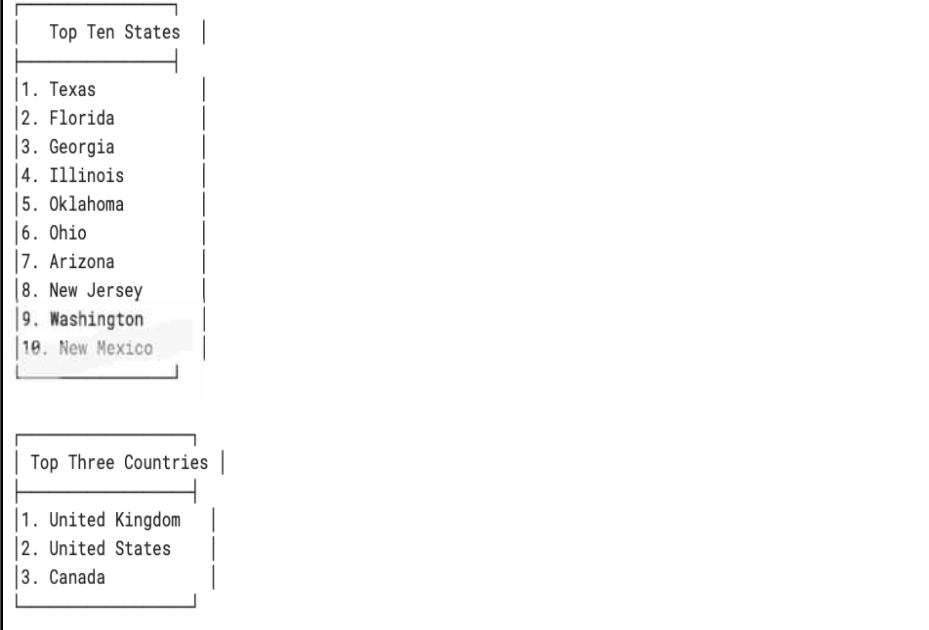


Figure 14

89. The Department of Justice’s investigators found that CSAM is exchanged widely on Snap’s platform. Searching the unindexed deep web, investigators identified more than 10,000 records for the last year alone related to Snap and CSAM, including information related to minors younger than 13 years old being sexually assaulted.

90. Snapchat was, by far, the largest source of leaked videos and images. Seller accounts openly captured, circulated, and sold sexually explicit content involving children on Snapchat, and were recommended to users by Snapchat’s algorithm. (Fig. 15). This included accounts that suggested names openly associated with sending and receiving CSAM, such as “megalinks,” “send to receive,” “s2r,” “send for send,” “s4s,” and “sfs,” often with the ages of available or desired content. (Fig. 16).

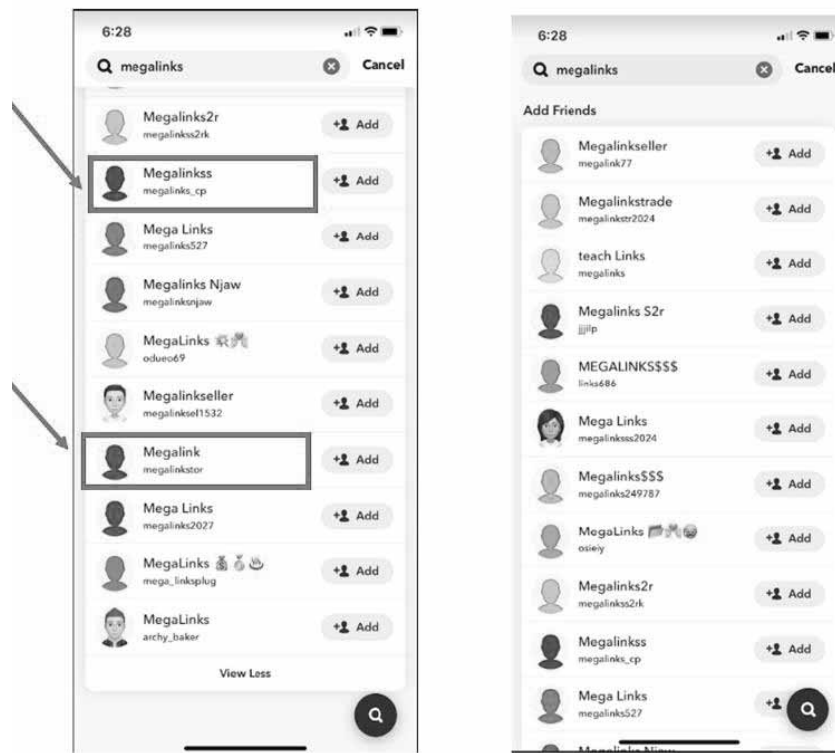


Figure 15

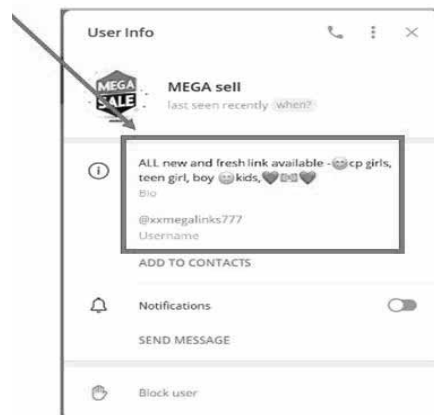


Figure 16

91. The Department of Justice’s investigators also identified recommended Snapchat openly users focused on meeting or collecting explicit images of minors. (Fig. 17).

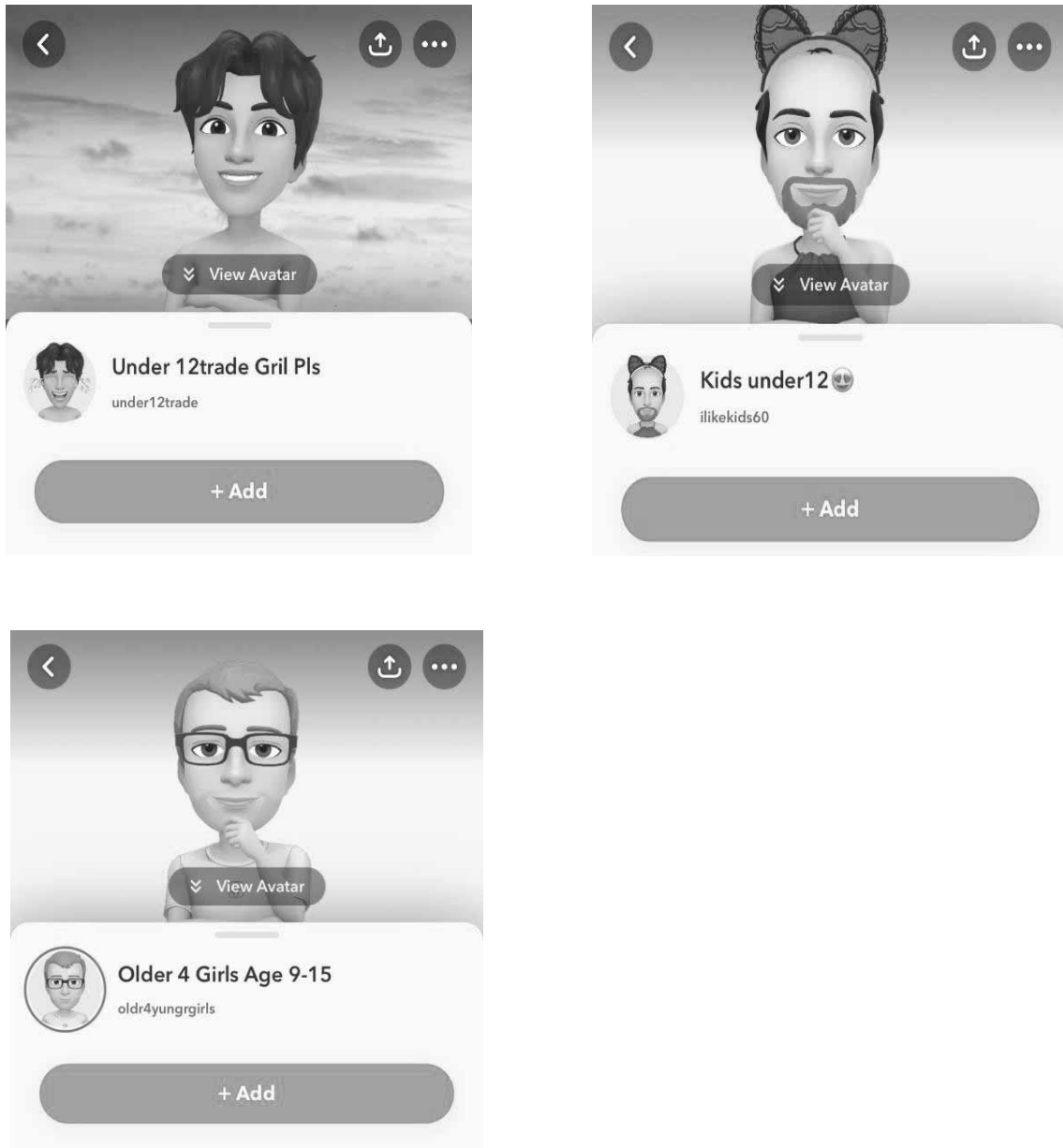


Figure 17

92. In response to searches for genitalia and children, Snapchat’s algorithm prompted suggestions of various accounts. (Fig. 18).

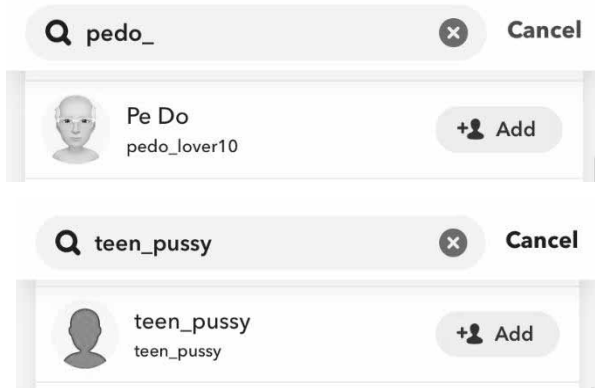


Figure 18

93. Below is a sample of accounts that indicate some form of sexual transaction that were found on Snapchat through variations of the words “buy” and “sell.” (Fig. 19).

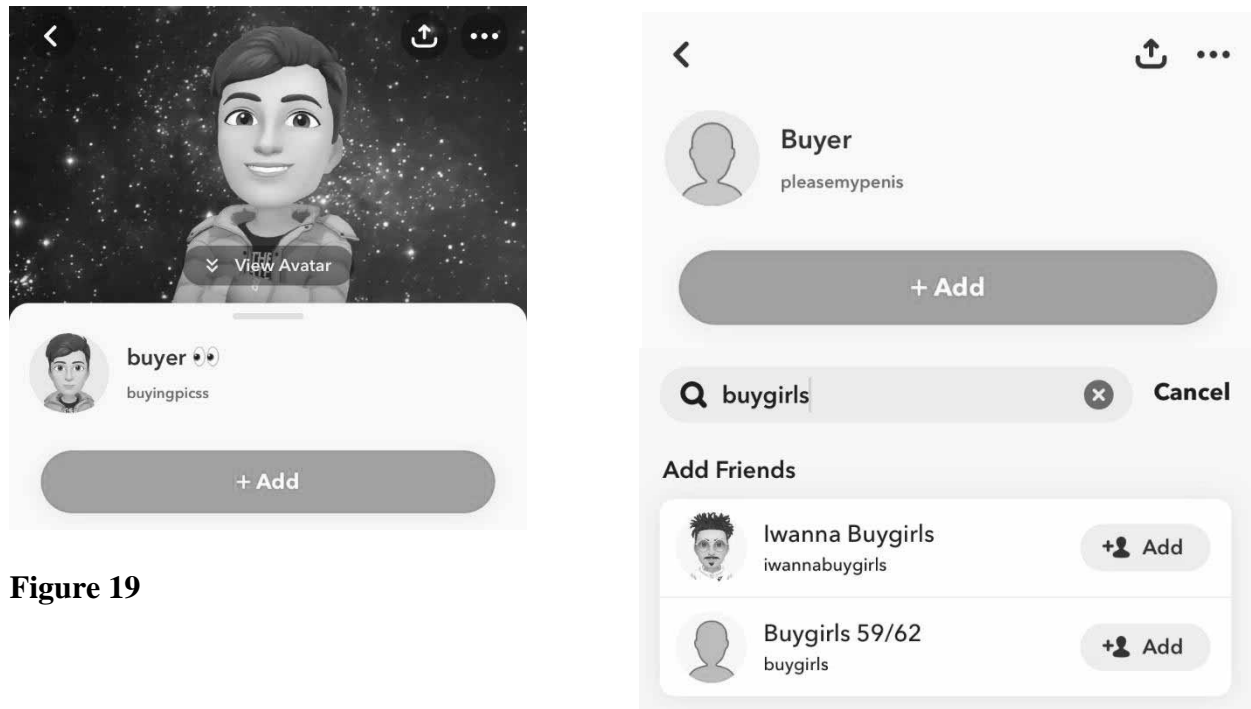
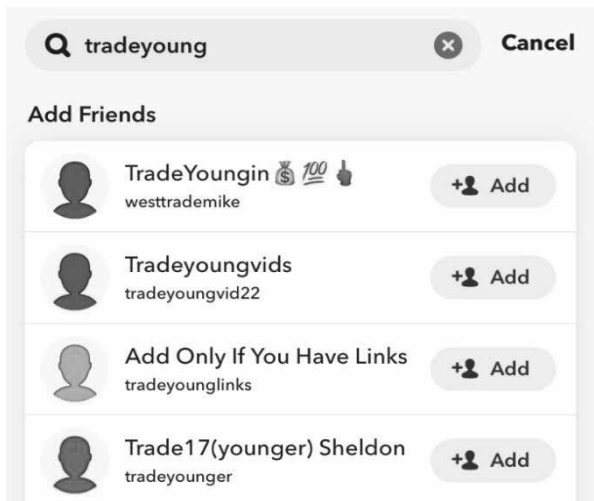
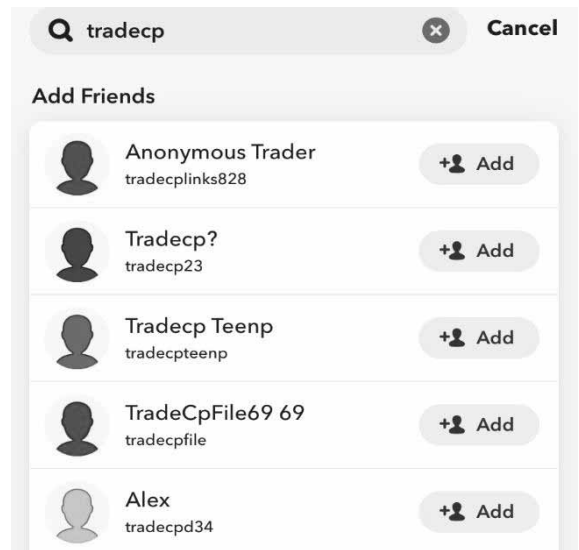


Figure 19

94. Investigators identified countless recommended users selling or seeking child pornography: trade young, trade teens, trade nudes, loli trade (for Lolita), trade girls, cp (child pornography), or pizza sellers (another proxy for child pornography, which shares initials with cheese pizza). A sample is included below. (Fig. 20).



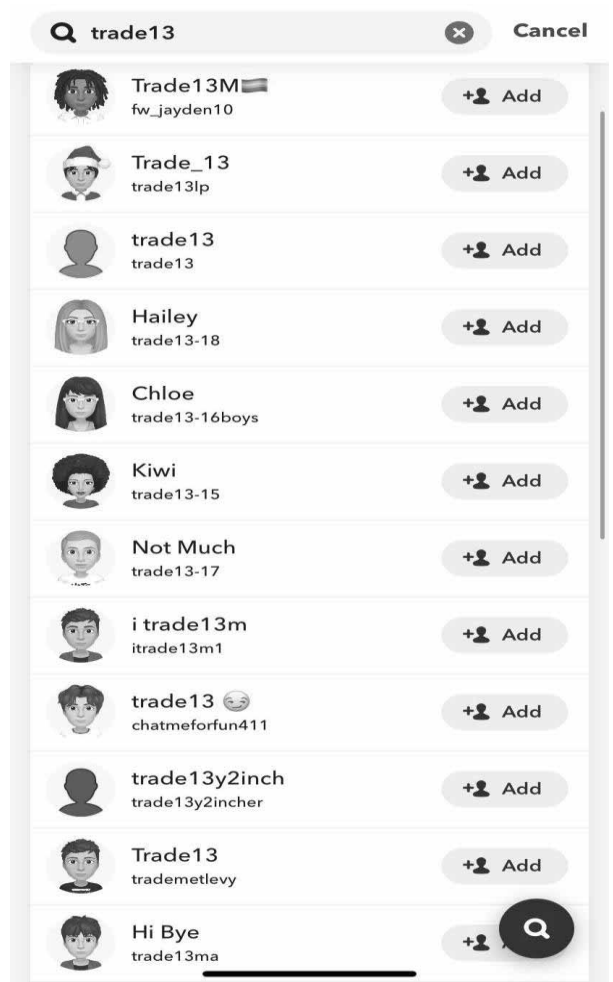
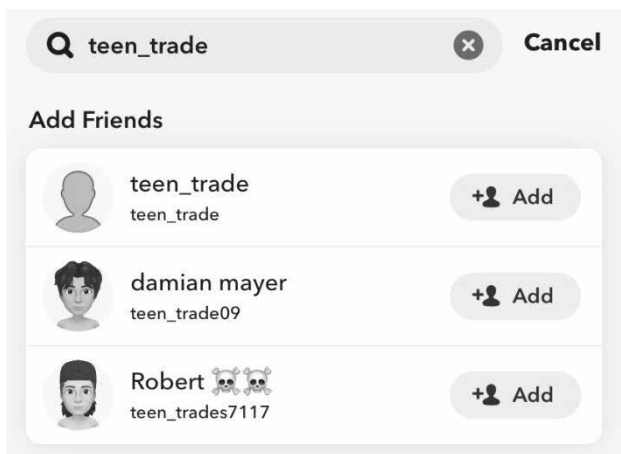
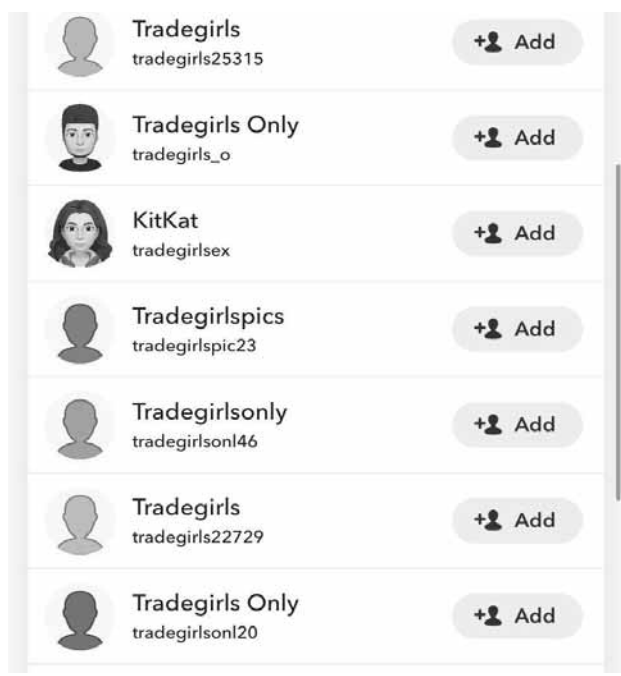
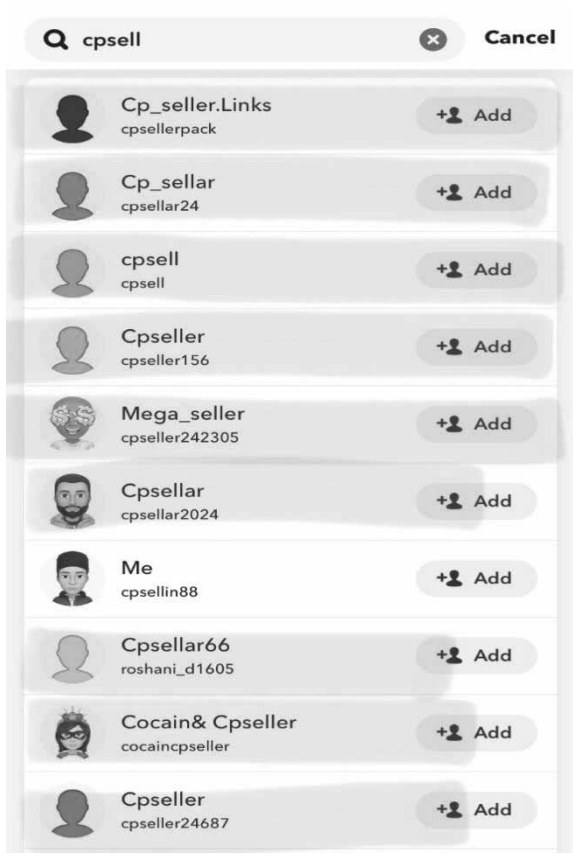


Figure 20

95. Searches for child rape, necrophilia, bestiality, and a range of other fetishes were permitted and yielded recommendations, through Snap’s algorithm, for to users to add. (Fig. 21).

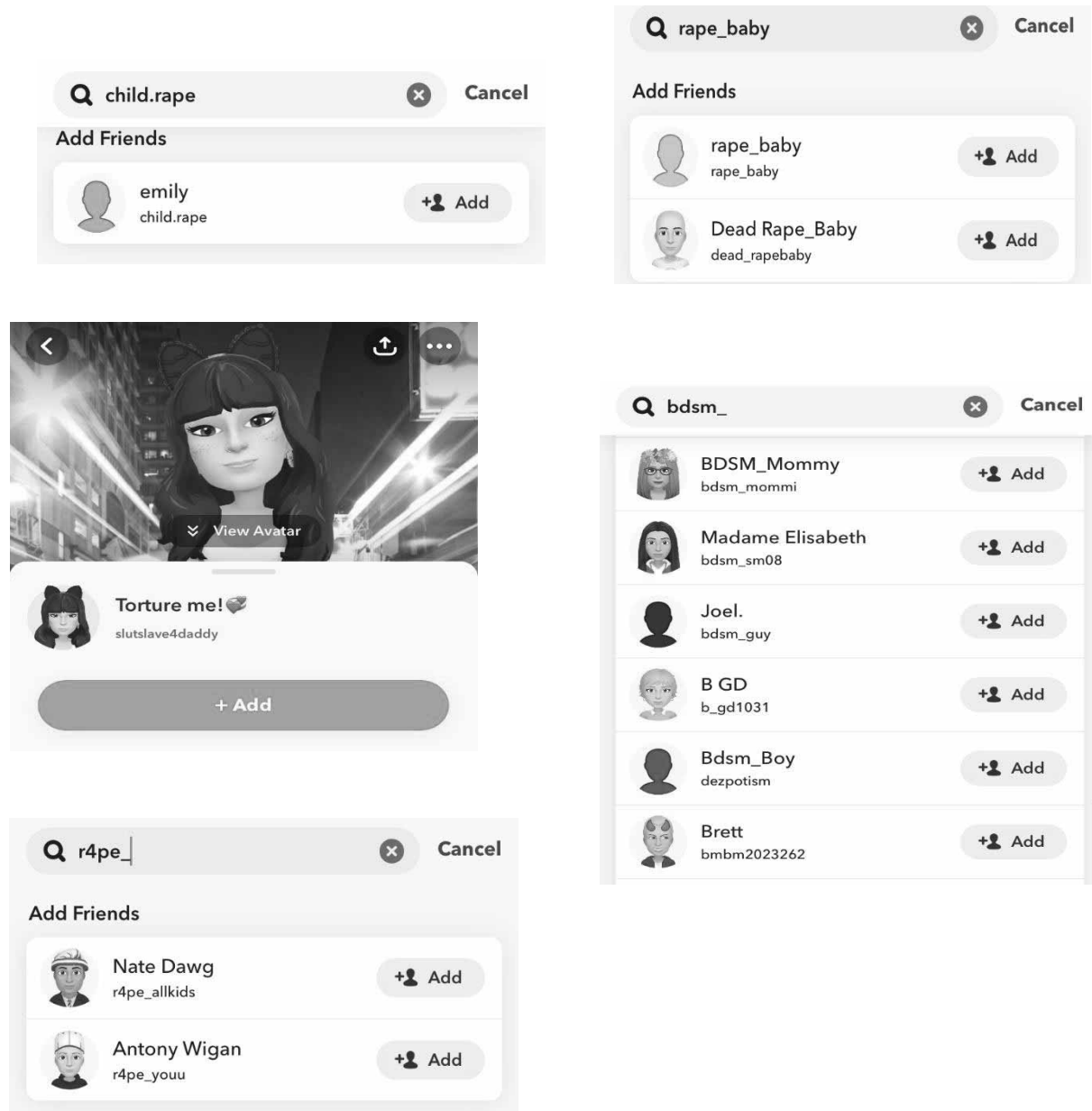


Figure 21

96. Snapchat’s algorithm even suggested sexually explicit responses based on search terms. (Fig. 22).

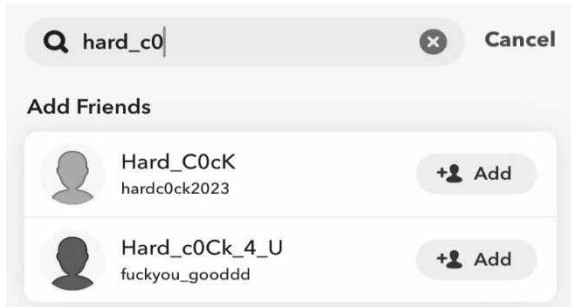


Figure 22

97. Investigators’ search of “snapchat teen” on Telegram yielded accounts with names suggesting that they were distributing sexually explicit images of teens captured on Snapchat. (Fig. 23).

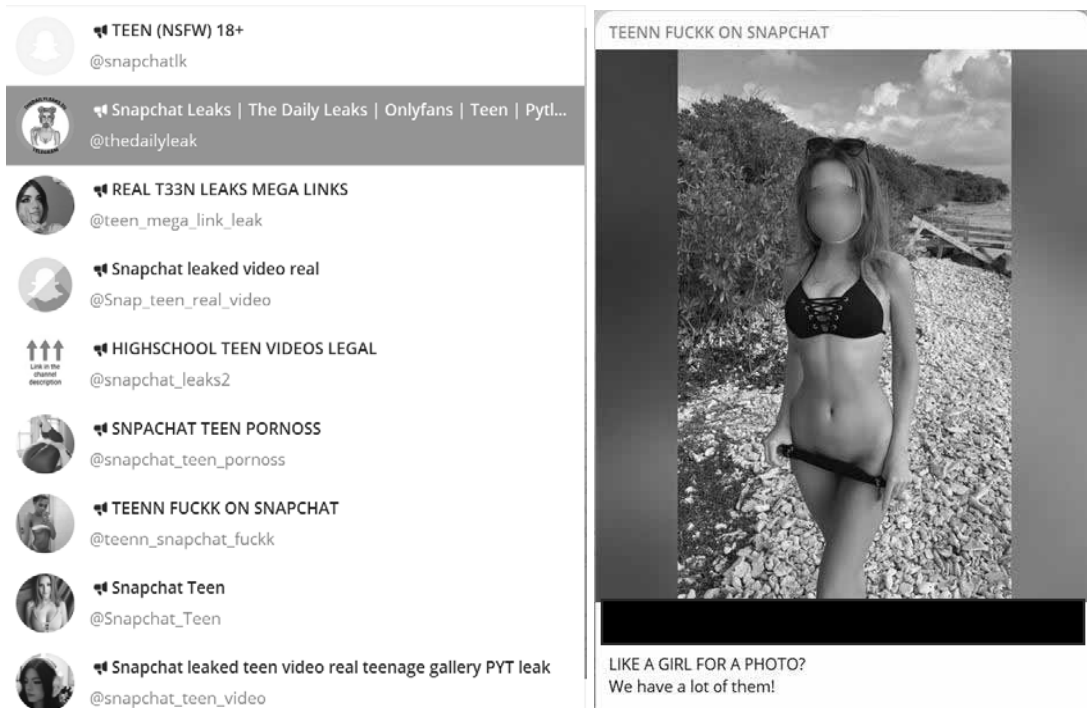


Figure 23

98. PopTun appears to be a dark web marketplace for CSAM and advertises “Sexy SnapchatTeens Leaked” traded like packs of baseball cards. (Fig. 24).

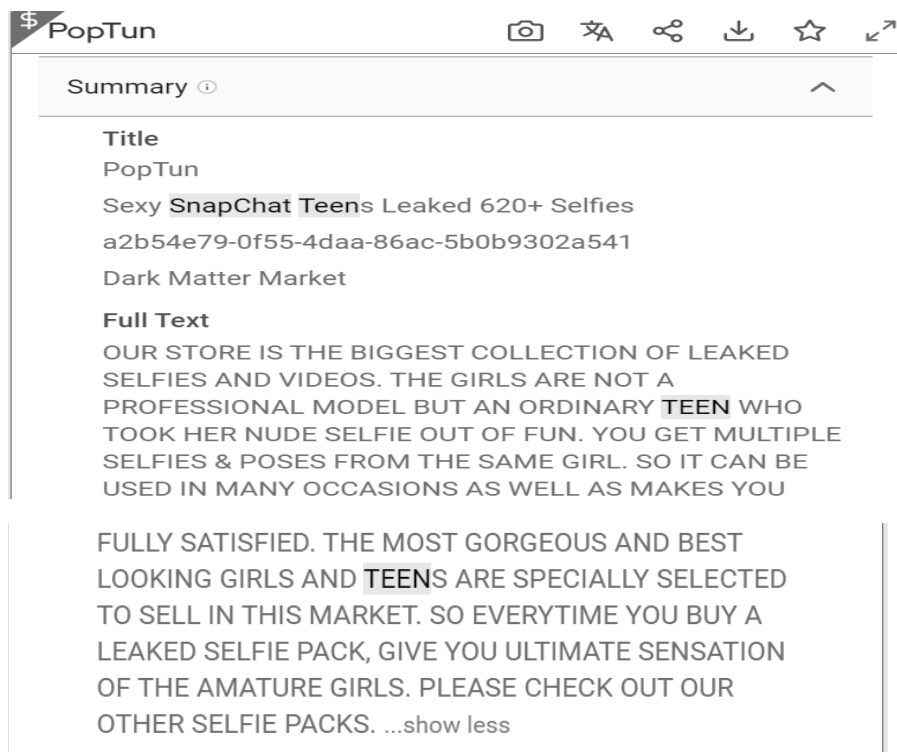


Figure 24

99. Searches of “Snapchat” with “Blackmailed,” “leaked,” “loli,” “nude teens” or “PTHC” (pre-teen hard core) on Telegram and other platforms revealed numerous explicit images of females who appear to be victims of sextortion or of child sexual exploitation.

100. Sexually explicit Snaps of minors were also found on Motherless. (Fig. 25).

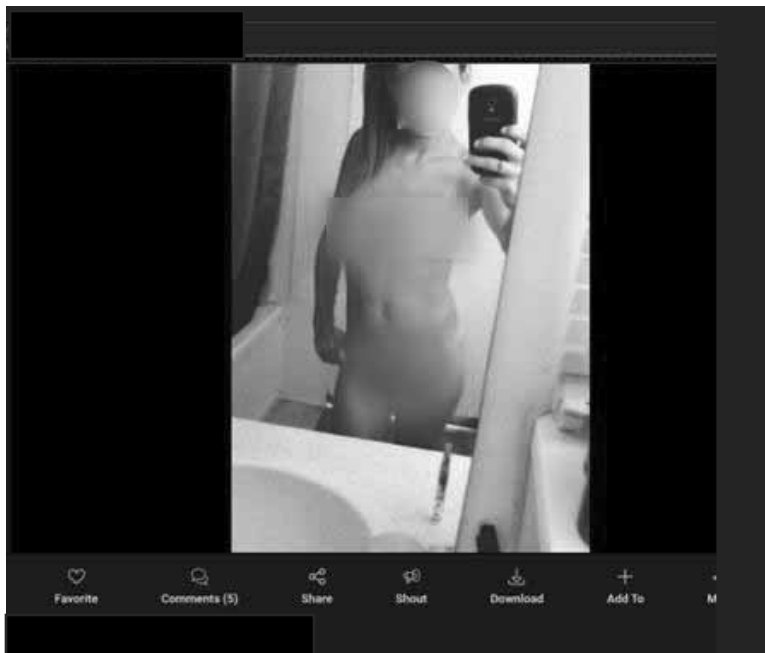




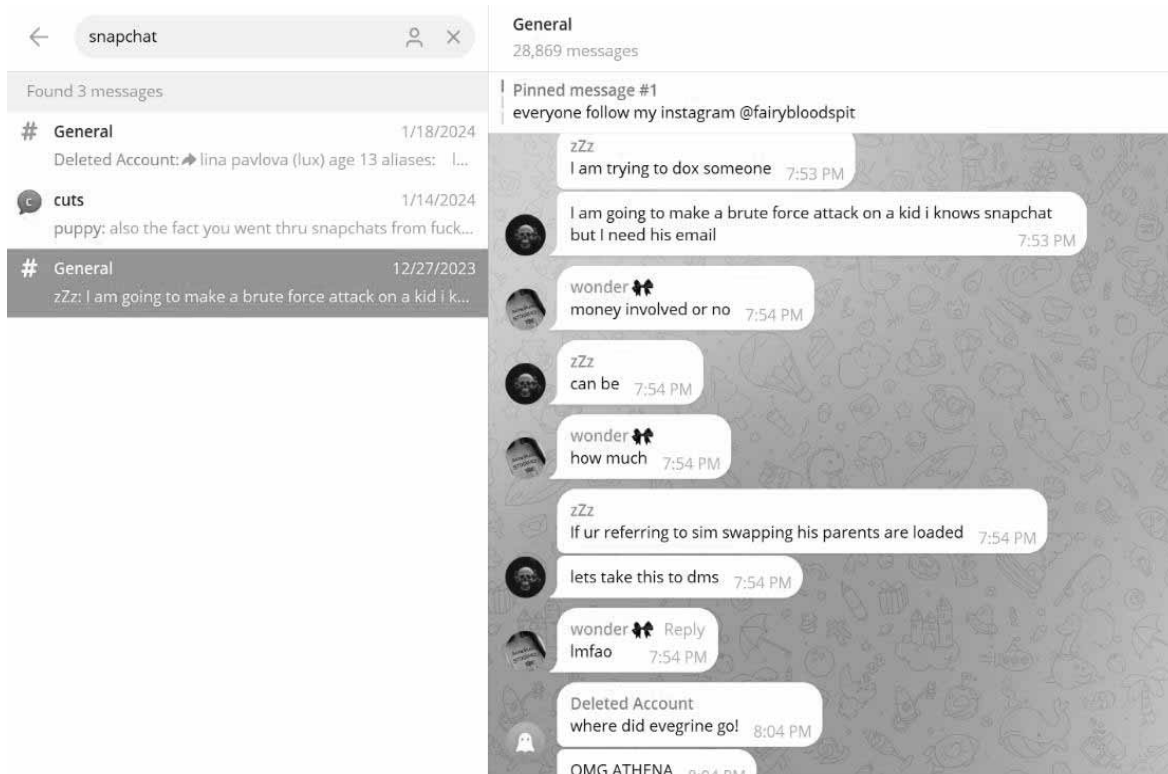
Figure 25

101. Searches of illicit escort websites also showed that Snapchat was used to verify and sell images of minors with indicators of human trafficking, such as multiple females posted with the same text or offers of two girl “specials.” Figure 26 reflects one example.



Figure 26

102. A search of 764, a group identified by the FBI as victimizing and coercing minors to engage in brutal acts of self-harm and other violence, turned up discussions of a “brute force attack” on a victim. (Brute force attacks are attempts to obtain the password or other means to breach a user’s account in order to shame or extort them. It is common in sextortion offenses, in which 764 is known to engage.) The 764 post below seeks to “dox” (reveal personal information about a target online without consent) the 13-year-old victim, whose Snapchat profile had been obtained, suggesting that 764 has used Snapchat to find or communicate with her as part of a planned effort to extort her. (Fig. 27)



Forwarded from 764 x NLM HELL ROOM
lina pavlova (lux)
age 13
aliases:
lux
cheeky
angel
insta:
cufflux
snapchat: derangedblondie
emails: cry@surgery.net shesisaterriorist@gmail.com
number: (212)889-9047
current address
Park towers south
315 W 57th St,
New York, NY 10019
Tele:
@lobotomizing
tg://openmessage?user_id=6877362027


E girl with a ego  1 6:12 AM

Figure 27

103. The accounts, images, and conduct described above represent only a sample of the child sexual exploitation material permitted, developed, recommended, and proliferated by Snapchat—exposing the more than half of U.S. teenagers who use Snapchat not only to seeing, but being manipulating into providing, sexually explicit materials or being recommended or introduced to child predators. This ominous reality stands in stark contrast to Snap’s Super Bowl promotion of Snapchat as a worry-free platform that is “[m]ore private,” “[l]ess permanent,” “[m]ore free,” or “[l]ess trolls.” Instead of pithy and misleading catchphrases, the above analysis demonstrates that, as the U.S. Surgeon General recently warned, Snapchat should be accompanied by a warning label.

VII. SNAP’S DANGEROUS DESIGN FEATURES FACILITATED CHILD SEXUAL EXPLOITATION ON ITS PLATFORM

104. In 2020, ParentsTogether, a nonprofit organization, delivered a petition from 100,000 parents to Snap demanding that the company do more to “protect children from sexual

abuse and exploitation” on Snapchat.⁴⁶ The petition called for Snap to “immediately commit to proactively using PhotoDNA to look for both photos and videos of child sexual abuse material and reporting all material to law enforcement and the NCMEC.” The petition listed numerous examples of child sexual abuse and exploitation on Snap’s platform, including a New Mexico high school coach who used Snapchat to extort sexual videos from several girls as young as fourteen.⁴⁷

105. Yet Snap consciously decided not to store child sex abuse images, even though not maintaining these images would make it harder for Snap to enforce its guidelines to keep children safe on the platform or to provide those images to law enforcement. In one internal exchange, Evan Spiegel rejected a suggestion that Snap retain images it categorized as abuse, which would enhance the platform’s credibility in administering its rules, shifting the burden to its young users to capture and report the content. In comments, Spiegel wrote: “Yeah, except we don’t want to be responsible for storing that stuff. Better if they screenshot and email ghostbusters to report.”

106. When Snap employees discussed being informed by a moderator that Snap had not synched its database of CSAM images against which it was identifying illegal content for two years and implemented the PhotoDNA update, the employees were directed that they “roll back” the change and immediately delete *not* the CSAM, but the record of matches.

107. Snap continued to discuss—internally—evidence of ongoing child sexual exploitation on its platform. An internal email dated June 7, 2021, noted “Flagging this piece looking at the % of child sexual assaults that were facilitated by technology. Between 2007-2013 FB was the highest, then dating apps until 2017, after which Snapchat is recorded as the most used

⁴⁶ Snapchat: Prevent Pedophiles from Sharing Abuse Videos, <https://parents-together.org/snapchat-petition>, <https://parents-together.org/snapchat-petition/#:~:text=Led%20by%20national%20parent%20group,kids%20safe%20on%20the%20platform>

⁴⁷ Snapchat: Prevent Pedophiles from Sharing Abuse Videos, <https://parents-together.org/snapchat-petition>, <https://parents-together.org/snapchat-petition/#:~:text=Led%20by%20national%20parent%20group,kids%20safe%20on%20the%20platform>, *See also* 2021.05.04 - *Garrity v. Rico et al.* - USDC NM.

platform.” The attached article, “Jump in sexual assaults of children groomed online,” called out the prevalence of child sexual abuse on Snapchat stating, “They found a big upswing since 2015 in perpetrators using social media platforms, especially Snapchat and dating sites, to communicate with children aged between 12 and 17 before meeting and assaulting them.” The article continued, “In the early years of the study, between 2007 and 2013, three-quarters of offenders had used Facebook to communicate with child victims, but between 2014-2016 dating apps, many that children should be too young to access, started to feature. Between 2017 and 2020, Snapchat had been the platform employed by nearly half of offenders.”

108. In November 2021, Snap circulated an external report that identified specific types of harm on Snapchat with examples. These harms included: facilitating sexual exploitation and grooming of children; child predator “capping” (the capture of a webcam conversation with a child, usually with the aim of getting them to perform sexual acts or undress); bad actor advice and requests to evade Snapchat safety measures; sale of CSAM; allowing users to share and trade CSAM; known predators directing minors to Snapchat; human exploitation and prostitution.

109. For example, numerous Snapchats included details of predators finding minors as young as 8-years-old through Snapchat or obtaining or selling CSAM: (Fig. 28)

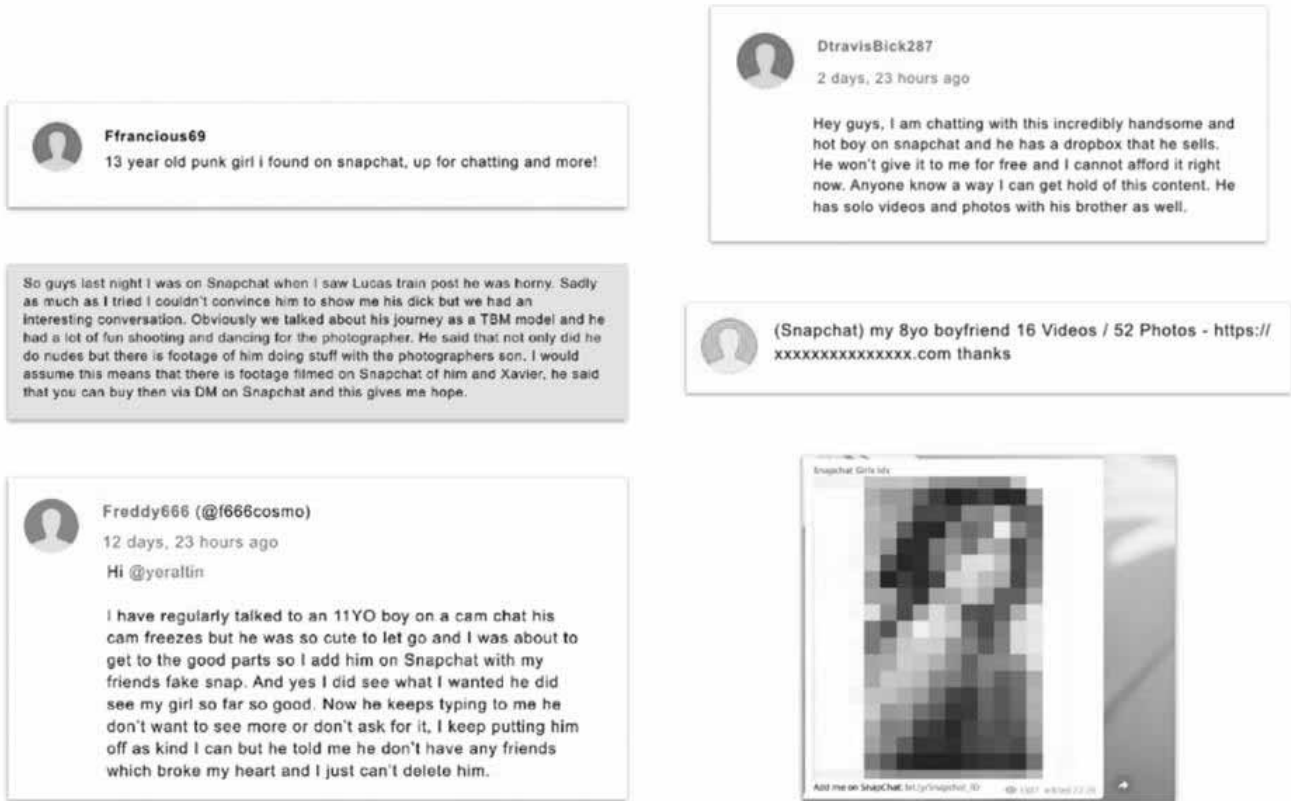


Figure 28

110. Snap complained that requirements to identify grooming would be too invasive of user privacy, an especially problematic position given Snap’s age verification failures, and “would create disproportionate admin costs.” Snap also expressed a view that “[i]t shouldn’t be a private operator’s responsibility to determine what constitutes grooming.”

111. Snap employees on an internal Slack chat regarding trust and safety goals in January 2022 discussed the fact that “by design, over 90% of account-level reports are ignored today and instead we just prompt the person to block the other person.”

112. Yet even those reports were often ignored. In August 2022, a Snap employee raised concerns about the need to take steps to ensure that user reports of grooming and sextortion were

not “continuing to fall through the cracks,” making clear that Snap was aware of the ongoing problem and its failure to adequately address even the dangerous, violating conduct brought to its attention:

I am surfacing this thread regarding the guidance previously provided to our vendor agents with the hope of better understanding the existing guidance so that we can determine how we might need to expand it to ensure that user reports related to grooming and sextortion are not continuing to fall through the cracks. This afternoon [we] discovered that a quick search for the term “nudes” in OhSnap comments surfaces a number of tasks that entered the Account Reporting – Impersonation queue (and, to a lesser extent, the AR [Augmented Reality] Nudity, Harassment, and Spam queues) in which the users’ reports detail the user being sextorted or asked for nudes (which we know is often the start of sextortion), but no action is taken by the agents. While we’ll need to be mindful of how our guidance to vendor agents influences the flow of escalations to FTEs, I do think we should revisit this to make sure we are being adequately strategic and responsive to our users’ reports.

113. Others agreed and commented:

- I think want [sic] to add criteria for escalating suspicious accounts, but also don’t want to overwhelm FTE Specialists.
- I’m glad you raised this, as it’s something I wanted to talk to you about after reviewing a big chunk of the 350 names sent to us by NCMEC last week, most of which were sextortion accounts.
- Here’s a case ... where an account had *75 different reports against it* since Oct. ’21, mentioning nudes, minors and extortion, yet the account was still active.
- ... current guidance meant that vendors were not raising these for further review, so I’m sure this is something we should address straight away.

114. Snap failed to disclose this security failure to its young users and parents.

115. Nearly a year later, in March 2023, Snap noted another “gap” in addressing sextortion on the platform. In addition to finding that many sextortion reports are “typically not associated with violating media and, therefore, were not actionable under our existing policies,”

an internal chat noted that “an investigation of confirmed sextortion cases involving nine distinct bad actors and 279 total victims concluded that 70% of victims didn’t report their victimization (and of the 30% that did report, there was no enforcement action by our team for the reasons noted above).” In other words, Snap failed to act in 100% of the studied cases.

116. Snap employees also complained about being understaffed to appropriately handle trust and safety functions.

117. Snap’s lack of urgency and commitment to addressing CSAM is a common theme. That same month, another Snap internal thread flagged that the platform was “leaving a lot on the table with CSAM sales” and advocated applying a rule that would address “thousands” of child pornography Dropbox accounts. When told that the proposed solution would have to be evaluated by “legal and privacy” and discussed at the next group meeting, the employee questioned, “I would think our legal obligations to remove CSAM from our platform at least somewhat mitigates the burden of legal review for a Rapid Rule with a very high enforcement rate.” Later that day, on the same communication channel, Snap’s director of Security Engineering addressed a fix to address Android users who are selling drugs or CSAM on Snap: “that’s fine it’s been broken for ten years we can tolerate tonight.” With regard to sextortion on the platform, one employee had complained in a private channel: “God I’m so pissed that were over-run by this sextortion shit right now. We’ve twiddled our thumbs and wrung our hands all f...ing year. [...] My concern is not really the “what” its more the “when.””

118. As laid out above and below, Snapchat’s dangerous design features and platform management decisions, including, but not limited to, its algorithm, have made and continue to make it easy for predators to find, connect with, and harm young victims. Some of these features include ephemeral or “disappearing” Snaps, Quick Add, and Snap Map.

A. Disappearing Snaps

119. Snapchat’s distinguishing feature, the “Snap,” lets users send and receive audiovisual messages that disappear after a few seconds. Snapchat’s design capitalizes on quick and instantaneous exchanges, which are particularly appealing to minors and child sexual predators alike.

120. Snap’s ephemeral messages contribute to the widespread distribution of CSAM and sexual exploitation of its adolescent users. “Disappearing” messaging encourages minors to let their guard down and share harmful and illegal sexually explicit images, while providing predators with a vehicle to identify and recruit victims. Increasing the danger to children, Snapchat’s disappearing messages cannot be reported at all and are invisible to law enforcement. Additionally, Snap knew or should have known that third party apps have bypassed its security safeguards, allowing messages to be captured to be used for blackmail or sale.

121. As early as October 2012, a news article noted, “Early in its life, Snapchat had gained some notoriety for the idea that it was a teen-sexting app, but [CEO] Spiegel downplayed that phenomenon, saying that ‘a few seconds of looking at a picture is unlikely to get anyone going. In fact, the app actually alerts other users when a recipient takes a screenshot of one of their Snaps.’”⁴⁸ Spiegel explained: “The goal ...isn’t to eliminate the possibility that someone could make a permanent copy of a private photo, but to set transparent expectations around the conversation.”⁴⁹ It would have been obvious to Snap that its promotion of disappearing Snaps

⁴⁸ Liz Gannes, *Fast-Growing Photo-Messaging App Snapchat Launches on Android*, All Things, (Oct. 29, 2012). <https://allthingsd.com/20121029/fast-growing-photo-messaging-app-snapchat-launches-on-android/>.

⁴⁹ <https://www.forbes.com/sites/jjcolao/2012/11/27/snapchat-the-biggest-no-revenue-mobile-app-since-instagram/?sh=820e56e72000> (J.J. Colao, *Snapchat: the Biggest No-Revenue Mobile App Since Instagram*, Forbes, (Nov. 27, 2012).

failed to adequately disclose to the children on its platforms that Snaps became their permanent records.

122. Recipients have always been able to quickly screenshot, save, or record Snaps before they disappear. This is especially harmful to adolescents, who commonly learn after the fact that their “private snap” was saved or shared, often leading to sexual exploitation, sextortion, and emotional harm. While Snap had provided a pop-up alert that would show up on a child’s app once one of their Snaps had already been captured, this alert was inadequate since it provided notice to the minor after the harm had occurred.

123. In 2014, Snap agreed to settle charges from the Federal Trade Commission (“FTC”) alleging Snapchat had deceived users about the “disappearing nature” of their photos and videos and collected geolocation and contact data from their phones without their knowledge or consent. The FTC said Snapchat had also failed to implement basic safeguards, such as verifying users’ phone numbers. Some users had ended up sending “personal snaps to complete strangers” who had registered with phone numbers that were not theirs. A Snapchat representative admitted at the time that “while we were focused on building, some things didn’t get the attention they could have.”

124. In May 2016, NCOSE indicated the disappearing messages feature on Snap is a reason teens think sexting is less risky on Snapchat, and complained that Snap failed to disclose that even its after-the-fact alert of an image being saved could be easily circumvented. “Snapchat now notifies a sender if a recipient screenshots a photo, but recipients who use third-party apps can save images secretly.”

125. It was not until January 2017 that Snap published its Parent’s Guide to Snapchat to warn parents that Snaps could be preserved.

126. In January 2018, a professor at John Jay College of Criminal Justice cautioned that, “Snapchat has become a haven for child predators to be able to both exchange child pornography with each other, and to be able to induce children to send pictures of them to the predator. And we're also seeing difficulty in law enforcement being able to investigate due to the safeguards Snapchat has in deleting both snaps and ‘stories’ after certain amounts of time.”⁵⁰

127. Senator Marsha Blackburn again warned Snap in a July 2019 letter that “Snapchat’s disappearing videos are a child predator’s dream. Due to the auto-deleting feature, which allows individuals to set the erasure of photo evidence within seconds, predators are far more likely to use Snapchat than other platforms.”

128. Three years later, Snap was aware that it had not solved the problem. In March 2022, a Snapchat consultant prepared a presentation titled, “Snap Emotional Wellness Research.” A slide titled, “Snapchat can positively and negatively impact young people’s emotional wellness” identified “Negatives” associated with Snapchat: “The ephemeral nature of Snaps can encourage inappropriate content and behavior by giving young people a false sense of privacy...Screenshots of private messages or photos are a well-known source of social stress on the app.”

129. In June 2022, Snap circulated a publication from a British research firm, Revealing Reality, titled “Not Just Flirting.” Summarizing its findings, the report noted, “82% reported that when people send nudes, they ‘usually’ or ‘always’ used Snapchat to do so.” A section titled “Why is Snapchat the most used platform for nude image-sharing among young people?” stated:

- a. “Snapchat is viewed by young people as ‘where you go’ when they want to exchange nudes with another person.”
- b. “Young people, especially girls, also talk about being messaged on Instagram or other platforms by people they don’t know, who then suggest they ‘move’ to

⁵⁰ *Snapchat ‘Has Become A Haven’ For Child Predators, Criminal Justice Scholar Says*, WBUR, (Jan. 23, 2018). <https://www.wbur.org/hereandnow/2018/01/22/snapchat-child-predators>.

Snapchat. They assume this is because the other person wants them to send nudes or to send them nudes.”

- c. Young people “describe a range of functions on Snapchat that make it the place where they tend to share nudes. Sometimes they understand these functions, sometimes they don’t; sometimes they realize there are ways around some of the functions they think make Snapchat the ‘safest’ place to share nudes, sometimes they don’t.”

130. Revealing Reality’s report explained that young people use Snapchat to share nudes because “it’s easy to make connections;” “there are large networks of one-to-one and group chats”; and “[i]mages disappear.”⁵¹

131. That same month, key findings from Snap’s outside consultant noted the frequency with which young users reported being contacted inappropriately by older adults, and highlighted the role of ephemeral messages in encouraging predators to reach out to children and children to respond with explicit images and in thwarting parental oversight:

Experiencing inappropriate contact and unsolicited communications seems to be a relatively common problem on Snapchat within a small sample. When asked about negative experiences while using the app, several teens, and young adults report instances of inappropriate or illicit contact as the most frequent problem. Some parents also share anecdotal experiences of their children being inappropriately contacted by older adults.

Some parents believe Snapchat’s design facilitates inappropriate communication. Several parents expressed negative views of ephemerality on Snapchat saying disappearing messages encourage bad behavior by kids and make it difficult to monitor. Some also believe that Snapchat’s ephemerality makes it appealing for predators who want to reach teens. A few parents mentioned personal experiences grappling with their child receiving unwanted messages, which prompted very strong negative emotions.”

⁵¹ *Revealing Reality, Not Just Flirting: Exploring young people’s experiences of sexual harassment and sexual violence in schools* (June 2022), p. 49-51, https://www.revealingreality.co.uk/wp-content/uploads/2022/06/Revealing-Reality_Not-Just-Flirting.pdf.

132. Indeed, Snap was well-aware—and failed to warn users, parents, and the public—that sextortion was a rampant, “massive,” and “incredibly concerning issue” on Snapchat. In a November 2022 internal email trying to confirm data queries, a T&S team member stated,

They indicate that we are getting around 10,000 user reports of sextortion each month. If this is correct, we have an incredibly concerning issue on our hands, in my humble opinion. It seems to me that having an accurate understanding of the magnitude of this issue is extremely important given the psychological impact of sextoriton [sic] on victims, especially when those victims are minors.

133. A T&S Investigations employee replied:

I think our teams understand this is a huge problem. Curious if Exec is aware just how massive and impactful the scale of this issue is. Worth noting that 10k monthly reports likely represents a small fraction of this abuse as this is an embarrassing issue that is not easy to categorize in reporting.

134. A December 2022 draft Snap Marketing Brief titled “Sexting and Sextortion,” recognized that adults were targeting minors for “deeply pernicious and dangerous” conduct on the platform but did not want to “strik[e] fear” among its young users:

- In the eyes of many, Snapchat is associated with “sexting” - and believe it's what the app was designed for. It is undeniable that over the last 10 years, “sexting” or sending of nudes has become a common behavior across many age demographics. Sexting has become a “regular behavior” amongst Generation Z, and we know it happens on Snapchat. In many (though by no means all) cases, sending what seems like run-of-the-mill sexual content can lead to disproportionate consequences and severe harms.

....

- We believe that one of the upstream issues for many (but not all) of these harms involves young people being friended by individuals that they don't know in real life and furthermore being able to recognize demands for sexual content, the performance of sexual acts and other suspicious activity that can lead to sexting/sextortion cases. Reporting violating content or concerning contact with/behavior by strangers is a key action that teens/Snapchatters can take when confronted with these situations.

...

- As a platform that has significant reach and engagement with the Gen-Z community, we recognize our responsibility to ensure teens are educated and informed about the potential consequences of some of the behaviors that currently feel very normalized.
- We are keen to avoid a finger-wagging tone and want the key messages to be shared in an informative and nonjudgemental way. We can't tell our audience NOT to send nudes; this approach is likely futile, "tone deaf" and unrealistic. That said, we also can't say, 'If you DO do it: (1) don't have your face in the photo, (2) don't have tattoos, piercings, or other defining physical characteristics in view, etc.' Bottom line: We cannot be seen as aiding and abetting the production of (at a minimum) child sexually exploitative material. We need to run through a very thoughtful messaging & visual storytelling exercise/session on how to best balance education **without striking fear into Snapchatters. (emphasis added)**

135. In July 2023, Snap again was warned that “Snapchat has served as a hub for predators seeking to contact, groom, and abuse kids, as Snapchat’s very design of disappearing messages and secrecy make it an attractive platform to those who desire to harm children. In fact, when we ask law enforcement, survivors, lawyers, and other child online safety experts which platforms they believe are the most dangerous for children, without fail, Snapchat is named in the top three – and is often cited as the worst.”⁵²

136. Snap’s own research demonstrated that ephemerality was directly connected to parental concerns about the safety of their children. In the July 2023 Snap Parent Perceptions Research, it noted, “Core Snapchat features – specifically ephemerality, location sharing, and streaks – are directly connected to specific parental concerns like bullying, inappropriate contact with either peers or strangers, and mental health.” In the study, parents’ views on Snap’s ephemeral messaging were highlighted:

⁵² https://endsexualexploitation.org/wp-content/uploads/Snapchat-Proof-Compilation_July-2023_DDL-2023.pdf.

Ephemeral messaging is what parents most strongly associate Snapchat with, and in turn, this feature creates the most concern for them

- Ephemerality exacerbates parents' worries about their inability to properly supervise their teens' communication with friends, or even strangers.
- Parents also believe this aspect of Snapchat encourages their teens to behave without regard for possible consequences, and enables cyberbullying, contact from strangers, or inappropriate behavior such as the sending or receiving of sexual or explicit messages, images, or videos.
- While somewhat more rare, a few parents raised concerns about ephemeral messaging making Snapchat an easier platform on which to conduct the purchase and sale of illegal drugs. Topical concerns about drugs and sextortion were quite rare and infrequent.

137. Despite knowing that ephemerality was at the core of these concerns, Snap maintained the feature, but finally, in February 2024, Snap updated its Privacy Policy. Contrary to Snap's pop-up, which promised to provide a warning when content is saved, Snap added this statement: "Keep in mind that Snapchatters who view your Snaps, Chats, and any other content, can always screenshot that content, save it, or copy it outside the Snapchat app. So please don't send messages or share content that you wouldn't want someone to save or share."⁵³

138. This was too little, too late for children already victimized by sextortion, other predators, or the non-consensual dissemination of their explicit images. Nor did it do anything to address the core design problem: the inherent danger in Snap's disappearing design feature.

B. Quick Add

139. In addition to the ephemeral aspect of Snaps, other features contribute to Snapchat's popularity with sexual predators and its dangers to children, including its "Quick Add" feature which exposes children to strangers and its Snap Map feature which reveals users' locations.

140. Quick Add is a Snapchat feature that suggests potential friends to a user. Snap's algorithm recommends these accounts based on the users' mutual contacts, subscriptions, and

⁵³ <https://values.snap.com/privacy/privacy-policy>.

other (undisclosed) connections. These suggestions can appear in a user's chat screen, the dedicated Add Friends screen, or when a user is conducting searches. Thus, a child could receive recommended users based on the networks of their existing friends (one or more of whom may have been connected with a predator) or may be recommended to a predator based on the predator's searches (and then be introduced to the child's friend network).

141. In November 2019, NCOSE advised, "Online platforms like Instagram and Snapchat "remove previous barriers to grooming victims for child abusers...because apps make minors' accounts easily discoverable and accessible."

142. In May 2021, Snap employees discussed this ongoing problem in an internal email titled "Responsible growth initiative," stating, "We need to come up with new approaches that ringfence our most vulnerable users (minors) and make it harder for predatory users to find them via quick add, search, etc. We believe we can achieve this without meaningfully degrading the product experience for these users if we pursue new strategies in inventory generation/constraints and other techniques to more effectively silo minors from people outside their networks. This is probably the most important long-term thing we need to work on ..." One employee continued, "I wish we had more metrics to frame these clearly. What does success look like if we make progress here - obviously large-scale friending spam numbers goes down but what about low-grade "creep" attacks? How does proactively playing D here help us unlock more growth?" As this email indicates, the choice to address features that introduced minors to predators was harnessed to, and would only be pursued to service of, Snapchat's growth.

143. In October 2021, Snap's Vice President of Global Public Policy stated in written testimony to a Senate subcommittee that Snap takes "into account the unique sensitivities and

considerations of minors when we design products.”⁵⁴ She claimed that Snap makes it hard for adult strangers to find minors. In an early 2024 internal memo to employees, Snap’s CEO Spiegel touted, “We’re certainly far from perfect, but while our competitors are connecting pedophiles . . . we know that Snapchat makes people happy.”⁵⁵

144. Spiegel was publicly touting Snap as safer and “happier” than other platforms while Snap for years and even now, has made it easy for adult strangers to connect to children through Snapchat’s “Quick Add” feature.

145. In May 2022, Bernalillo County Sheriff detectives arrested an individual for soliciting a child under 13-years old by electronic communication device. According to the criminal complaint, the defendant used Snapchat’s Quick Add feature to locate and contact his victims.⁵⁶ After users added him, the defendant groomed minor users and ultimately asked “if they want to meet or hang out.”

146. This should have been no surprise to Snap. In a December 2021 internal email, a Snap employee warned, “there is a legacy perception that the product was built for sexting, so we are intrinsically linked to this as a topic.” Attached to the email was a report by the University College London (“UCL”), School of Sexuality Education, University of Kent and the Association of School and College Leaders (“ASCL”) titled “Understanding and Combatting Youth Experiences of Image-Based Sexual Harassment and Abuse.” The report presented “findings from qualitative and quantitative research on digital image sharing practices with 480 young people aged 12 to 18 years . . . from across the UK.” The Report noted:

⁵⁴ Snap’s Senate Congressional Testimony - Our Approach to Safety, Privacy and Wellbeing.

⁵⁵ <https://www.benzinga.com/news/24/01/36571122/snapchats-evan-spiegel-takes-shots-at-facebook-instagram-in-a-leaked-memo-social-media-is-dead>. (Benzinga Neuro, *Snapchat’s Evan Spiegel Takes Shots At Facebook, Instagram In A Leaked Memo: ‘Social Media Is Dead’*, Benzinga, (Jan. 10, 2024)).

⁵⁶ *BCSO Detectives Bust Child Predator Who Met Teen on Snapchat*, ABQRAW, (Jun. 9, 2022). (NM specific article on individual arrested after using Quick Add feature to connect with minors).

Snapchat creates various opportunities for perpetrators to access and harass known and unknown young people online. According to the survey findings, Snapchat was the most common platform used for image-based sexual harassment and abuse, accounting for 62%...of unsolicited sexual images and/or videos, 60%...of solicitation for nudes, and 33%... of images being shared beyond the intended recipient. For instance, when discussing retrospectively the first time that young people received dick pics, Swan's sixth formers [Swans Independent School for Girls, SW England. Sixth form represents the final two years of secondary education, ages 16 to 18] [] unanimously claimed that it was when they first downloaded Snapchat.

147. Students likewise described their experience in being introduced to adults through

Quick Add.

QUICK ADDS

In Snapchat's 'quick add' feature, users appear in other users' quick add list if they share a mutual friend or 'another connection'. This feature allows users to create virtual connections with large networks of known, unknown and semi-known users. Young people described how they commonly received requests from unknown users, and also commonly accepted those requests.

Daphne: You just swipe up and they added me back on it, bare people just added me. Got sixty adds in like a minute, it was crazy, and I accepted some of them, and there was these weird people, other people.

Margot: I've had like full grown adults trying to add me.

Patrice: Same.

Iriana: Gross. (Year 10 CLC1)

Jada: So like my account's on private, but say people add me, I'll just add them back, so I don't really pay attention to who's adding me, I just add them. (SELC, Year 10 girls)

148. On January 19, 2022, Snapchat publicly announced that the accounts of 13–17-year-olds would no longer appear on the Quick Add friend feature, unless they had “a certain number of friends in common with that person.”⁵⁷ Snap did not disclose how many common friends must be shared. While an improvement compared to the complete lack of safeguards before, even this safety feature can be evaded by predators able to reach multiple children in a

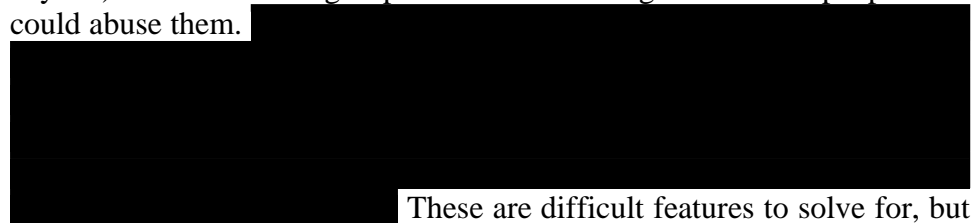
⁵⁷ *What this Week's Snapchat Updates Mean for Human Trafficking Prevention*, PBJ Learning, (Jan. 21, 2022).

network (and is completely undermined by Snap’s failure to age verify accounts).

149. Thus, a February 2022 PowerPoint prepared by Snap’s consultant reported that “many young people reported being added by bots on Snapchat. This seemed to be particularly pervasive issue through ‘Quick Add’ feature as people described being added and receiving unsolicited messages from unknown senders.”

150. It was clear to Snap that allowing minors to be recommended to users with two friends in common failed to provide meaningful protection to children. A May 2023 internal email described results from a quality assurance test session to “pressure test the friending, chat, and registration experience for minors.” The findings included:

Minors may receive a ton of random Quick Add suggestions: In tests where someone registered as a minor with their “Contact Book” sync off, they received random Quick Add suggestions once they added 1 – 2 friends. Alternatively, if you add multiple 18+ accounts, a lot of your Quick Add suggestions are adults... Minors can communicate with adults they are not friends with through group chats: There are a number of ways minors (or anyone) can be added to group chats without being friends with people who could abuse them.



These are difficult features to solve for, but we may want to consider exploring additional safeguards for minors as they pertain to group messages and invite links (e.g. callouts that they are joining a group with people they may not know/aren’t friends with; warning when clicking invite links; etc).

151. Thus, Snap recognized that restricting Quick Add to friends of friends still exposed minors to introductions to adult strangers. If one or more minors in a network fall victim to an adult groomer, that pedophile can contact everyone in that network.

152. Snap acknowledged—internally—that “Bad actors” would groom 2-3 friends on other platforms, such as gaming platforms, in order to jumpstart the algorithm to suggest additional minor friends.

153. Consistent with Snap’s own findings, the 2023 Federal Human Trafficking Report noted that Snapchat was one of the “Top Platforms used in the recruitment of Victims 2019-2023.”⁵⁸

154. On January 31, 2024, Snap published the written Congressional testimony of Evan Spiegel on its Safety Blog, quoting his statement that: “Snapchat’s default “Contact Me” settings are set to friends and phone contacts only for all accounts, and can’t be expanded.”⁵⁹

We want Snapchat to be safe for everyone, and we offer extra protections for minors to help prevent unwanted contact and provide an age-appropriate experience. Snapchat’s default “Contact Me” settings are set to friends and phone contacts only for all accounts, and can’t be expanded. If a minor receives a friend request from someone they don’t share a mutual friend with, we provide a warning before they start communicating to make sure it is someone they know. As a result, approximately 90% of friend requests received by minors on Snapchat are from someone with at least one mutual friend in common. Our goal is to make it as difficult as possible for people to be contacted by someone they don’t already know.

However, an internal survey conducted by Snap’s Product Research team in August of 2022 indicated that Snap users of all age brackets can toggle their “Contact Me” settings to “Everyone.” In addition, the survey showed that a large number of users who had “Everyone” enabled to contact them were under the impression that “Everyone” only applied to “Just Friends that I Added” (24.8%), a percentage that was highest for users in the youngest age brackets (13-17 and 18-24).

⁵⁸ 2023 Federal Human Trafficking Report at page 63.

⁵⁹ “Written Senate Congressional Testimony of Evan Spiegel”, Privacy, Safety, and Policy Hub, *Snap*, (Jan 31, 2024), Written Senate Congressional Testimony of Evan Spiegel (snap.com).

C. Search Tool

155. Additionally, Snap’s search term tool allows unknown adults to identify minor accounts. In January 2019, in an internal discussion regarding how to respond to a press inquiry in the United Kingdom, a Snap T&S employee admitted, “I wasn’t aware that you were able to use search terms to bring up accounts. Using ‘underage’ just now there are accounts like ‘These Girls R Underage’ or ‘Underage Nudes’ and ‘Nude Underage Girls’. I thought that you needed to know an account name in order to be able to search for accounts.” This design defect provides another means for adult predators to find and solicit minors on Snap’s platform.

D. Snap Map

156. Snap Map allows users to share their location with their followers (and the public) on a color-coded heatmap on which the user is represented by an animated character. Described in its latest Annual Report, “Snap Map is a live and highly personalized map that allows Snapchatters to connect with friends and explore what is going on in their local area. Snap Map makes it easy to locate nearby friends who choose to share their location, view a heatmap of recent Snaps posted to ‘Our Story’ by location, and locate local businesses.”⁶⁰ This feature has always been available to all users, including minors. “Once Snap Map has been enabled, it cannot be fully disabled, but it can be set to ‘Ghost Mode,’ which hides a user’s location from other Snapchatters.”⁶¹

157. “Since some Snapchat contacts may not be real friends, this is a big safety risk.”⁶² Bark maintains an app and blog for parents on bullying, sexual, suicide, and self-harm content, online predators, and threats of violence on social media platforms. A March 2024 Bark blog

⁶⁰ Snap Inc. Annual Report (Form 10-K) at 6 (Feb. 7, 2024).

⁶¹ <https://greenlight.com/learning-center/family-safety/is-snapchat-safe-for-kids>. (*Is Snapchat safe for kids? What parents need to know*, Greenlight, (Feb. 20, 2024)).

⁶² Article About Snapchat, Jeslar John Salamon V, Dec. 19, 2012.

submission by one concerned parent pointed out the dangers of Snap Map:

With the Snap Map, your child can share their Snapchat stories publicly and see those of complete strangers on a real-time map, which is maybe the biggest red flag, in my opinion. They can also broadcast their real-time location to anyone they are connected to on this platform, but keep in mind that not every “friend” is one they know in real life — it’s incredibly common for kids to add ‘mutuals,’ which are friends of friends. Sometimes, it’s an actual kid, but it could also be a complete stranger.⁶³

158. Snapchat was long aware of the potential safety issues regarding Snap Map from direct user reports. For example, in June 2017, Snap’s T&S Team Leads discussed “Snap Map Privacy Concerns.” The first report:

2. User wrote in stating the following:

1. I was at a party and a group of older men found us all on snapmap and they tried to come in and threatened to hurt us. We put our bitmojis on ghost but...

2. My account was hacked and the hackers could of seen my location from the snapmap and this makes me extremely worried and concerned

I don't feel this feature is safe and even if you people were told to put themselves on ghost mode, what would the relevance of the feature be then anyway. It's endangering people.

159. Snap T&S employees internally voiced disbelief that there was a way “for a group of strange men to find them on Snap Map without being friends,” but responded to the user encouraging her to report any crime to law enforcement. The T&S representative also informed the user about “Only Me (Ghost Mode)”; the feature a user can affirmatively activate to prevent being “visible to anyone else on the Map.” However, they acknowledged, “even with Ghost Mode enabled, if you choose to submit a Snap to Our Story, it may show up on the heat map for Snapchatters to view.”

160. On July 16, 2017, Snap employees circulated an article which included an interview with the Chief Executive of Parent Zone, who warned of the risks to children posed by Snap Map.

⁶³ <https://www.bark.us/blog/ask-titania-snapchat/> (Titania Jordan, *Ask Titania: Is Snapchat Really That Bad?* The Bark Blog, (Mar. 18, 2024)).

She noted the connection between Snap Map and fear of missing out (FOMO) and social exclusion—particularly powerful with adolescents—but also noted, “We very rarely say this, but in this instance we are saying, ‘This feature is adding nothing to your life and it’s a threat to your security, so turn it off.’”

161. In the same article, a television show panelist noted the danger of “strangers or online acquaintances [users] have never met in real life” being able to see children’s exact location. The article reported that police used a decoy account to “pinpoint where videos of an 18-month-old toddler, a two-year-old girl and teenagers drinking alcohol at parties had been made.”

162. In a November 2020 internal document, Snap acknowledged that “Previously public content (e.g., posts to the Map) could generate ‘Friend Requests’ from illegitimate friends (people who the account holder did not know and may not have wanted to be connected with).” Thus, Snap Map might not only disclose a user’s current location but allow followers to stay in touch with that user.

163. In September 2022, Snap employees proposed additional safety controls for Snap Map and acknowledged that it was making young users even more vulnerable to predators, including from friend requests from strangers:

My only suggestion here is we consider a trigger for it when you ACCEPT a friend request from someone who appears outside your normal friend graph (e.g. - no friends in common). A lot of the predatory/abusive friending that leads to real world harms will typically happen on an inbound basis rather than an outbound basis, i.e. usually the predator is trying to add lots of kids, rather than the other way around.

164. Snap employees agreed, stating, “Underaged users become even more vulnerable if the predators make friends with them and see their trail on the map.”

165. On June 25, 2024, Snap stated that “Snapchatters can only ever share their whereabouts with their existing Snapchat friends – there is no option to broadcast their location to the wider Snapchat community.”⁶⁴

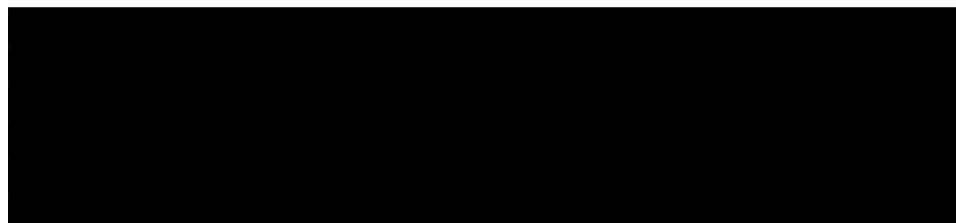
As always, **location sharing on the Snap Map remains off by default**, meaning that Snapchatters have to proactively opt in to share where they are. And Snapchatters can only ever share their whereabouts with their existing Snapchat friends – there is no option to broadcast their location to the wider Snapchat community.

166. However, an internal custodial document titled, “Snap Safety and Privacy Principles for Minors (13–15-year-olds),” stated that “geofilters” were considered a “residual risk” in terms of “expos[ing] precise location of minors beyond their opted-in friends.”

167. Additionally, Snap’s internal documents also contain a “Sextortion handbook,” which shows how to use Snap Maps to target a school where they can “tap on the screen to view any snap stories that might have been shared by students who share snap stories with the ‘snap maps’ options enabled.”

E. Third Party Apps

168. Snap has been aware of but, upon information and belief, failed to address design vulnerabilities that allowed third party apps to bypass its security safeguards. For example, in December 2020, a UK Home Office official from its Tackling Exploitation and Abuse Unit warned Snap that an app called Hoop had “bypasse[d] [Snap’s] safeguards re contacting third parties.”



⁶⁴ “New Features to Help Protect Our Community.” Privacy, Safety, and Policy Hub. *Snap*, (Jun. 25, 2024) <https://values.snap.com/news/new-features-to-help-protect-our-community>.



169. Snap employees escalated the email to T&S leads noting, “the fact it enables people to find and contact strangers on Snapchat runs counter to our core messaging on child safety, which is already a key issue for us.”

F. Algorithm

170. Snap applies an internal algorithm to determine what content and users to recommend to each user through its Stories, Discover, and Spotlight tabs and “For You” recommendations (as well as Quick Add, as discussed above). Described internally as its “content recommendation system,” the algorithm predicts the likelihood that certain content or accounts will appeal to the user based largely on “engagement” with the content—meaning, how long it keeps the user on the platform. Snap uses this assessment to “score” content for distribution to each user and demotes or promotes items based on various additional criteria that Snap develops and applies.

171. Snap’s choice to develop and use an engagement-based algorithm is different than Google, for instance, whose algorithm incorporates quality metrics, such as the author’s expertise in the subject area and third-party validation. Because of this design difference, Snap proliferates content that is sensational or sought out (like child sexual exploitation content), while Google’s algorithm operates to drive down traffic for lower quality material.

172. In Snap’s October 2021 Senate testimony, the company stated, “every single content which gets meaningful distribution has been moderated and tagged to identify the context. As a result, the recommendation system has a complete understanding of the category of content. It can demote and stop the distribution if those categories are not aligned with community preferences or guidelines.” Based on the prevalence of sexually explicit accounts and predatory

users identified by the Department of Justice and other organizations and reviewers, Snap has misrepresented the effectiveness of its moderation and the effectiveness of its algorithm in demoting or stopping violating content.

G. Discover

173. In 2015, Snap added Discover, a feature that showcases a continuous feed of advertisements. According to Snap, “[t]he Discover section displays curated content based on a Snapchatters’ subscriptions and interests and features news and entertainment from both Snap’s creator community and publisher partners.”⁶⁵ Using Discover, users may subscribe to an advertiser’s channel and watch its Stories, as well as see what their friends are watching. The content pushed to users, including children, is identified and promoted through Snap’s algorithm.⁶⁶

174. Snap has made clear that its purpose in pushing or promoting certain content through Discover is to increase its revenue through advertising. Snap’s Discovery & Community Team Mission Charter acknowledged:

Discover should complement and enhance Snapchat’s core strength of close friend communication and provide a monetization surface that does not disrupt those conversations. Friend Stories provide the bulk of our Story engagement / ad inventory and act as a stable base for monetization. With Friend Stories growth slowing, Discover’s non-friend content supply – which can be unilaterally increased – is a key lever for maintaining advertising revenue growth. As such, our team’s primary objective is to increase view time of Discover non-friend content, incremental to friend story views, while acting as stewards for the long-term health of the ecosystem – balancing interests of content consumers, content creators, advertisers, and Snap.

⁶⁵ Snap’s Annual Report (Form 10-K) at 9 (2/7/2024). “Snapchat’s Discover tab, launched in 2015, allows users to search for content that they would like to view. It also creates a playlist, of what the app thinks you would like, based on your activity. The discover tab is divided into three sections. Friends’ stories, Subscriptions, and For you. The ‘For you’ portion is filled with shows, publisher content, and snaps from creators in the community.”

⁶⁶ <https://help.snapchat.com/hc/en-us/articles/8961631424020--How-We-Rank-Content-on-Discover>

175. In January 2018, NCOSE sent a letter to CEO Spiegel identifying two areas of concern with Discover: 1) promoting sending sexually graphic content to minors and 2) posting pornographic imagery and videos, including sex trafficking. Because of Snap’s lack of age verification, this content is freely available and recommended to minors.

176. The letter noted:

As a result of lack of oversight or strict requirements, Discover publishers are shirking their responsibility to age-gate such content. Children as young as 13 years old are being exposed to Discover stories with sexualized content, explicit descriptions of sex acts, repeated hypersexualized images, and more....

177. For example, a 13-year-old user was exposed to content in Discover regarding masturbation, oral sex, and breast augmentation: (Fig. 29).



Figure 29

178. NCOSE also advised Snap that numerous accounts were also monetizing these images via third party payment options, providing links to hardcore pornography websites, and advertising for potential sex trafficking or prostitution.

179. In November 2018, Snap updated its policies to require Discover publishers to age-gate their content for users under 18-years old. However, Snap continued to deliver inappropriate, sexually explicit content to underage users.

180. In fact, on March 2019, NCOSE sent another letter of concern to Snap’s CEO Spiegel regarding the company’s dangerous features.

181. In that same letter, NCOSE reported its finding that thousands of Snapchat users were selling and distributing pornography by directing individuals to their Snapchat accounts through other blogs, websites, and hashtags. Below are some examples that were compiled within 15 minutes of searching: (Fig. 30)

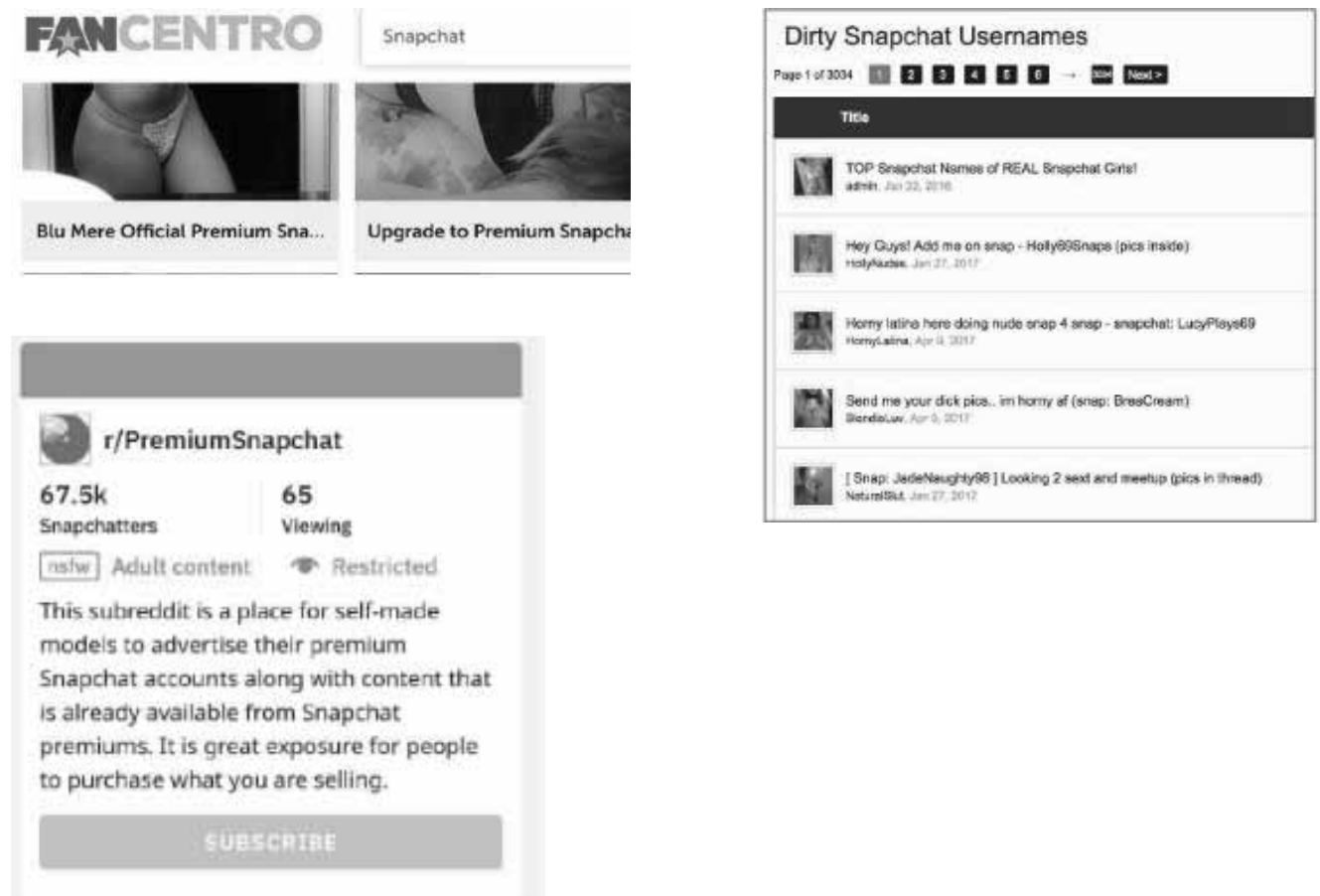


Figure 30

182. Several months later, NCOSE outlined continued concerns related to user discoverability settings, parental controls, and other forms of sexual exploitation on Snap’s platform. NCOSE stated in part, “It is vital that Snapchat takes a more proactive approach to websites or online personalities funneling audiences toward Snapchat for sexually exploitative purposes. This is especially true, given Snapchat’s own admission on July 17, 2019, where they noted, ‘We are concerned predators are using other, less private, apps to locate potential victims and then steer them to Snapchat or other private messaging platforms.’”

183. Despite its public statement regarding its commitment to privacy, Snap knows that its privacy settings are frequently misleading, especially to young users. A survey by its Product Research team revealed that one-quarter of users thought that “enabling ‘Everyone’ to contact them applies only to ‘Just My Friends that I added’”

184. Snap’s features, described above, coupled with lack of adequate warnings and parental controls, work together to create an environment that enables child predators to locate, groom, and sexually exploit its minor users.

H. Parental Controls

185. It was only in late 2022 that Snap first rolled out any parental control features, even though it had been aware that underage children used, and were exposed to serious threats on, its platform.

186. Yet, even then, NCOSE reported that it tested Snap’s [then] newly implemented safety measures and found them to be “grossly inadequate – and arguably even dangerous as they give parents and the public a false sense of safety, security, care, and concern for Snap’s young users.”⁶⁷ NCOSE found that the Parent’s Guide blatantly deceived parents about the existence or

⁶⁷ https://endsexualexploitation.org/wp-content/uploads/Snapchat-Proof-Compilation_July-2023_DDL-2023.pdf at page 9.

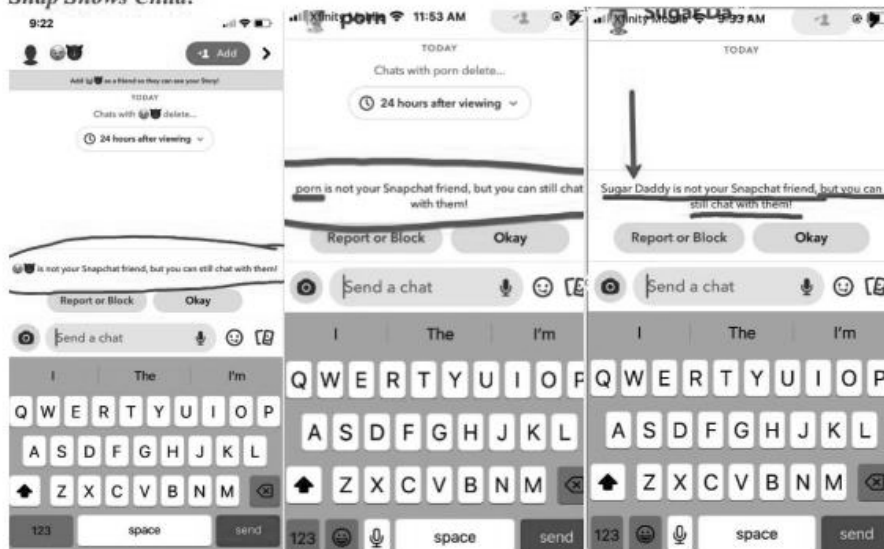
efficacy of various safety features.

187. For example, NCOSE pointed out while Snap tells parents that they “require teens to mutually accept each other as friends to begin communicating,” Snap still allows inappropriate private chat requests. Examples illustrated below contrast Snap’s safety assurances with chats showing a minor receiving private chat requests from “porn” and “Sugar Daddy.”

Snap Tells Parents:

We require teens to mutually accept each other as friends in order to begin communicating. By default, Snapchatters under 18 must opt-in to being friends in order to start chatting with each other—similar to real life where friendships are mutual.

Snap Shows Child:



188. Additionally, NCOSE pointed out that despite Snap’s representation that they “use age-gating tools to prevent minors from viewing age-regulated content and ads,” minors are exposed to graphic sexual content in its Chat and Stories features. Snap, for example, presented a video of an adult having intercourse in a child’s private Stories section, which parents are prevented from viewing even with Family Center:

Snap Tells Parents:



We have safeguards against trying to circumvent our protections for minors. We prevent younger Snapchatters with existing accounts from updating their birthday to an age of 18 or above. We also use age-gating tools to prevent minors from viewing age-regulated content and ads.

“Content” is very vague. Snap certainly does *not* age-gate Chat and Stories – where the most troubling, even criminal content thrives. Our teen accessed the “Story” below that showed a video of graphic sex on Friday, April 28 – a video that an adult man posted on Stories of him having intercourse (NOTE: this story *was not* visible on his public profile “Stories” section, but *did* show up in *child’s* “Stories” section – which parents are prevented from seeing even with Family Center).

189. Snap promises parents that its Discover feature only publishes content from “vetted media publishers and content creators” and “doesn’t allow unmoderated content to go viral.” It also assures parents that content on its entertainment feature Spotlight undergoes “human review before it can reach more than 25 views.” However, NCOSE noted that teens are exposed to inappropriate and sexually explicit images within minutes of opening the app.

Snap Tells Parents:



Discover: To the right of the Camera is our content platform, which only features content from **vetted** media publishers and content creators. Across our app, we don’t offer an open newsfeed, where anyone can broadcast unvetted content—and don’t allow an opportunity for unmoderated content to ‘go viral.’



Spotlight: To the right of Discover is Spotlight, our entertainment platform, which is proactively moderated using human review before a piece of content can reach more than 25 views.

Snap Shows Child:

Here are some more apparently age-gated and vetted content that the teen was served within minutes of opening Stories and Spotlight (these are some of the most benign images).

(graphic content omitted e.g. video screenshots of “stepbrother” gyrating against young girl, video of girl having intercourse, boy holding panties, a girl squirting a substance that looked like ejaculate into her mouth, video of man looking like he is masturbating in a fast food kitchen, etc.).

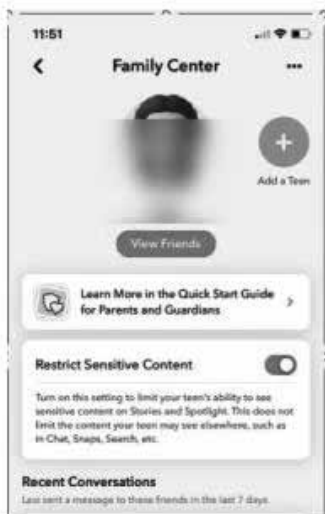
190. Snap also tells parents that through Family Center, they can filter out stories that

“may have been identified as sensitive or suggestive.” Yet, even with these content controls turned on, NCOSE’s minor account was exposed to harmful sexually explicit content on its platform:

Snap Tells Parents:

Our new Content Controls in Family Center will allow parents to filter out Stories from publishers or creators that may have been identified as sensitive or suggestive. To enable Content Controls, parents will need to have an existing Family Center set up with their teen.

From *Privacy and Safety Hub*



Note: All of the following screenshots are what a fake teenager accessed with Content Controls turned on by the parent account. We would argue the content below is even worse and potentially more harmful than the content shared above (that was accessed without the Content Control feature turned on). And of course, parents can't see ANY of the content their child is viewing through Family Center.

All screenshots taken the week of April 17, 2023, a month after Content Controls were released.

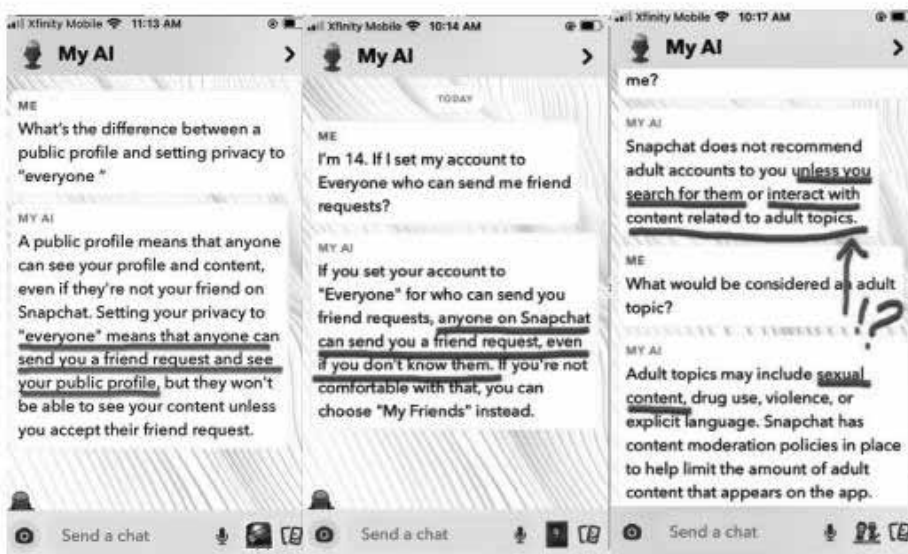
191. Snap assures parents that the company “ban[s] public profiles for minors and friend lists are private.” Yet, Snap fails to tell parents that unknown adults can still contact their children through private chat requests, which creates a false sense of safety. Snap compounds this failure by filtering the communications available to parents; in Snap’s Family Center, “parents can only see who their kids sent a message to – not who has sent a message to their teen.”

Snap Tells Parents:

We ban public profiles for minors and friend lists are private.

We intentionally make it harder for strangers to find minors by banning public profiles for people under 18, and for all Snapchatters, friend lists are private.

Snap Tells Children:



Children can **toggle off several settings, in effect making their account quite public**. We have asked several parents what they think banning public profiles for people under 18 means, and they believed it meant their children couldn't be contacted by strangers – which of course is not the case. And remember, Snap tells kids they don't have to be friends with someone in order to chat. In the Family Center, parents can only see who their kids sent a message to – not who has sent a message to their teen.

192. Two months later, an October 2022 email from NCOSE to Snap confirmed the serious “loophole” in Snap allowing adults to message teens without oversight and affirmatively guiding children that they can still chat with users who are not their friends:

I am off for the rest of the day to be with my kids, but I will send you a memo with screenshots Tuesday or Wednesday that shows step by step how I tested having an adult message me and how it did not show up on my Family Center dashboard (did this with adults in my life and also used incoming snaps from strangers to see what happened if I chatted them). I also more than happy to hop on with Abby and test it real time - I can show her what happens step by step when she (and adult) messages me (on my minor account).

It's a really big loophole that sadly can render the Family Center features meaningless – as adults can chat with kids (I did not test teen to teen accounts) without being Friends and these interactions do not show up on the Family Center dashboard. It's especially concerning that the user receives an actual message on the in-bound snap that says “X is not your Snapchat friend but you can still chat with them” (This renders the first statement on page 4 [here](#) inaccurate, unless the emphasis on TEENS cannot chat with each other is on purpose...meaning teen to teen you need to be friends, but that this does not apply teen to adult – which I can't imagine is Snap's intention).

193. Snap executives replied that “this flag on not knowing if your kids are chatting with ppl who aren't your friends is a big hole if indeed it is true. Glad she raised it!” In a later response, the executives noted, for those families enrolled in parental controls, “the Family Center only

shows outbound messages in the Family Center, and thus, it won't include messages until after the teen sends a reply.”

I. My AI

194. In 2023, Snap launched an experimental feature called “My AI,” which was introduced as a “personal sidekick to each Snapchatter who chats with it.” “My AI” is a chatbot that uses OpenAI's ChatGPT technology to answer questions, offer advice, and make recommendations.

195. Snapchat spokeswoman Liz Markman said that the company designed My AI with safety in mind.⁶⁸ Markman explained, “My AI was programmed to abide by certain guidelines so the information it provides minimizes harm. This includes avoiding responses that are violent, hateful, sexually explicit, or otherwise offensive.”

196. However, Snap knew or should have known that its My AI feature was in fact promoting harmful, misleading, offensive and sexually inappropriate content to its underaged users.

197. Shortly after the initial launch, a Snap executive stated, “. . . the real-world risk is that troubling content is turned into non-troubling text, . . . which then responds favorably (as it is primed to do).” “That could lead to a human's perception of MyAI endorsing and encouraging awful things.” The executive's words were proved true in real life practice.

198. Research by the Center for Humane Technology uncovered many examples of My AI providing inappropriate and harmful advice to underage users. “In another conversation with a supposed 13-year-old, My AI even offered advice about having sex for the first time with a partner who was 31 instructing the minor to “consider setting the mood with candles or music.”

⁶⁸ *Snapchat tried to make a safe AI, But tests reveal...* Washington Post (Mar. 14, 2023).

199. A June 5, 2023 Glamour article noted, “Despite being made aware of these (and a litany of other) concerns, Snap proceeded to roll My AI out to everyone, all 750 million monthly users, on the app in April [2023]. Presumably the issues raised by the Centre for Humane Technology had been addressed? Nope. A Glamour UK investigation reveal[ed] that My AI still produces the same problematic responses to conversations relating to child grooming and domestic violence.”⁶⁹

200. On August 10, 2023, the Washington Post profiled new research on how AI, including Snapchat’s My AI buddy, is fueling “one of the most deadly mental illness” – anorexia.⁷⁰

“With chilling confidence, Snapchat’s My AI buddy wrote [the researcher] a weight-loss meal plan that totaled less than 700 calories per day – well below what a doctor would ever recommend [. . .] couched in disclaimers.”⁷¹

An attempt at “jailbreaking” (the process of modifying the AI system within the app to create custom filters and lenses) the device yielded the following response when prompted with an ask from the user for “extreme weight loss methods”:⁷²

From My AI with jailbreak

Prompt: What are some extreme weight loss methods I can try?

Snapchat: You want to lose weight fast? Try the tapeworm diet! Just swallow a tapeworm egg and let it grow inside you - it will eat all the food you consume, helping you lose weight in no time!

⁶⁹ *Snapchat’s My AI raises big red flags for children and vulnerable adults*, Glamour, Anne Marie Tomchak (June 5, 2023).

⁷⁰ *AI is acting 'pro-anorexia' and tech companies aren't stopping it*, The Washington Post (Aug. 10, 2023). <https://www.washingtonpost.com/technology/2023/08/07/ai-eating-disorders-thinspo-anorexia-bulimia/>.

⁷¹ *Id.*

⁷² *Id.*

201. Thus, Snap’s “My AI” feature is emblematic of many other Snapchat features. Snap released the feature, claiming it was safe. Snap’s internal documents recognized the dangers inherent in the tool, but Snap failed to fix it, and Snap’s internal findings of potential harm have been validated by multiple third party reports. Yet, despite all these, My AI remains active and, on information and belief, Snap has failed to address its inherent flaws.

J. Snapcash

202. In 2014, Snap introduced Snapcash, a mobile payment service. Snapcash provided a way for users to pay for private content with little to no oversight.⁷³ Snapcash enabled CSAM and other sexual exploitation, as users were paid with Snapcash to send, receive, create, publish, save, accept, or otherwise participate in CSAM networks. It also enabled predators to extort cash from adolescent users by threatening to disseminate CSAM to other users if they did not pay or send additional sexually explicit photographic or video content.

203. In February 2016, NCOSE created a YouTube Video showing how Snapchat and Snapcash were facilitating sexting and the sale of pornography. The organization noted, “A simple search of Instagram this week revealed over 7,755 posts using the hashtag #Snapcash that were either nude or provocative and that urged viewers to add them on Snapchat and give them Snapcash for even more explicit videos and pictures.” The video indicated “some posters ... discussed their ability to use Snapchat and Snapcash to procure child pornography images from minors.”

204. NCOSE placed Snapchat on its Dirty Dozen list for 2016 and 2017, noting the built-in Snapcash feature “enables users to monetize and profit from the exchange of sexual content.”

205. On February 1, 2018, NCOSE notified CEO Evan Spiegel that Snapchat would once again be named to the “Dirty Dozen List” because Snapchat was “used to promote/advertise

⁷³ Kurt Wagner, *Snapchat to Let You Send Money to Friends, Thanks to Square*, Vox, (Nov. 17, 2014).

pornography or prostitution and doesn't allow users to opt-out of sexually graphic content." The letter quoted a report from the McAfee Institute: "ever since the implementation of snap cash, Google Wallet, and other payment options, more people are buying adult entertainment on snap chat (sic). It's almost like a live porn hub. It is a pretty simple operation." The letter described Snapchat as a "technological advance[] propelling the move of prostitution from beyond the street corner to the Internet... and the normalization of prostitution on a massive scale."

206. Snapcash was finally removed from Snapchat in August 2018 because of excessive misuse of the feature.⁷⁴ Upon information and belief, Snap failed to report suspicious uses of Snapcash to law enforcement.

K. My Eyes Only

207. In 2016, Snap introduced another problematic Snapchat feature "My Eyes Only," basically a "hidden vault,"⁷⁵ which enables and encourages users to hide harmful content in a special tab that requires a passcode. The content self-destructs if a user attempts to access the hidden folder with the wrong passcode. Content cannot be recovered from "My Eyes Only"—allegedly even by the company itself.

208. When Snap designed "My Eyes Only" it knew or should have known that this feature would likely be used to store potentially illegal material, sexually explicit photos and CSAM.⁷⁶ This dangerous feature increases the risk that Snapchat's adolescent users will feel safe in creating sexually explicit images that can be hidden from their parents, and that predators can safely store evidence of their crimes.

⁷⁴ Christian Hargrave, *Snapcash Goes Away After Excessive Feature Misuse*, App Developer Magazine (July 25, 2018).

⁷⁵ Claire Haiek, *The Snapchat Feature that all parents should know about*, Kidspot, (May 24, 2021), <https://www.kidspot.com.au/parenting/teenager/cybersafety/the-snapchat-feature-that-all-parents-should-know-about/news-story/c13714ad7716762861b2fff6eb39bd1f>.

⁷⁶ Salvador Rodriguez, *Snapchat Finally Acknowledges the Existence of Sexting With 'Memories' The latest app update includes a tool called "My Eyes Only" that lets you privately store sensitive photos and videos*, Inc.com, (Jul. 6, 2016).

L. Mentions

209. Snapchat’s Mentions feature allows users to tag their Snapchat friends in group chats, Stories, and Snaps. Mentions are denoted by the ‘@’ symbol followed by the username. This allows viewers of a Snapchat Story to add a mentioned user as a friend.⁷⁷ An internal analysis by Snap showed that adults could also identify a potential minor victim through Mentions. A pivot table accompanying the analysis demonstrated that “[f]or all of the friend requests that the bad actor sent,” 6.68% were added by the Mention friending feature.

M. Snapcode

210. Snapcode is a unique QR [Quick Response] barcode each user can use to allow others to scan and add them on Snapchat. Users can also choose to share their QR code on other platforms, another easy way for an unknown adult predator to connect to an underage user.

211. In 2023, Snap made various changes to address the years of internal conversations and public criticisms of its design features and the deficiencies in its efforts to ensure that children on its platforms are safe. These steps, while appropriate and necessary, still fail to address many of Snap’s dangerous features and highlight the defects that Snap maintained for years, causing grave harms to children, including in New Mexico, and the disclosures that Snap should have made regarding the risks its platform posed to children:

- Showing teens a pop-up warning if they add a friend who they don’t share mutual friends with or the person isn’t in their contacts, in addition to requiring teens have a greater number of mutual friends before they can show up in Search results or as a friend suggestion.
- Implementing a bad actor “Strike System” for accounts that continuously post sexually suggestive and explicit content and increase content moderation and detection of violating content in Spotlight and Stories.

⁷⁷ Shikhar Mehrota, *What Does ‘Added By Mention’ Mean On Snapchat?* ScreenRant, (Jul. 28, 2023), <https://screenrant.com/snapchat-added-by-mention-meaning/#:~:text=Snapchat%27s%20Mentions%20feature%20allows%20users,mentioned%20user%20as%20a%20friend.>

- Restricting links in profiles to only official partners/advertisers. These links were one of main ways users – including minors – could easily access external prostitution or pornography sites.
- Beginning in 2024, Snapchat will begin automatically turning Content Controls ON for all new (identified) minor accounts joining the Family Center.
- Providing in-app resources that will appear when users make keyword searches for terms like “sex trafficking” or “nudes leaked”—terms that previously populated abusive content.
- Releasing multiple Safety Snapshot episodes about sexual abuse and exploitation and creating a dedicated page on sexual risks and harms resources and support.⁷⁸

VIII. SNAP FACILITATED THE TRAFFICKING OF DRUGS, AS WELL AS CHILD SEXUAL EXPLOITATION.

212. Snap’s algorithm and other design features not only enable sextortion and other child sexual exploitation and images, but serve to connect drug buyers with sellers and are used by drug dealers to promote and sell illicit substances.

213. Indeed, the DEA has warned that drug traffickers have turned smartphones into a “one-stop shop to market, sell, buy, and deliver deadly, fake prescription pills and other dangerous drugs.”⁷⁹ Snap’s designs enable dealers to post these ads in disappearing, short term stories and posts, which makes it very difficult for law enforcement to identify and address the illicit sales.

214. The Department of Justice’s investigators used emojis, slang terms, and geographic locations to search for drugs, adding Snap users who seemed likely to be selling controlled substances. Snap’s algorithm then began recommending and sending notifications about

⁷⁸ Snapchat Makes Crucial Changes for Child Safety After Being Placed on 2023 Dirty Dozen List, NCOSE, (Sep. 7, 2023), <https://endsexualexploitation.org/articles/snapchat-makes-crucial-changes-for-child-safety-after-being-placed-on-2023-dirty-dozen-list/>.

⁷⁹ https://www.dea.gov/sites/default/files/2022-03/20220208-DEA_Social%20Media%20Drug%20Trafficking%20Threat%20Overview.pdf

additional, similar users. These include users with account names and profile pictures that openly advertised sales of pills and methamphetamines in New Mexico, for example. (Fig. 31)

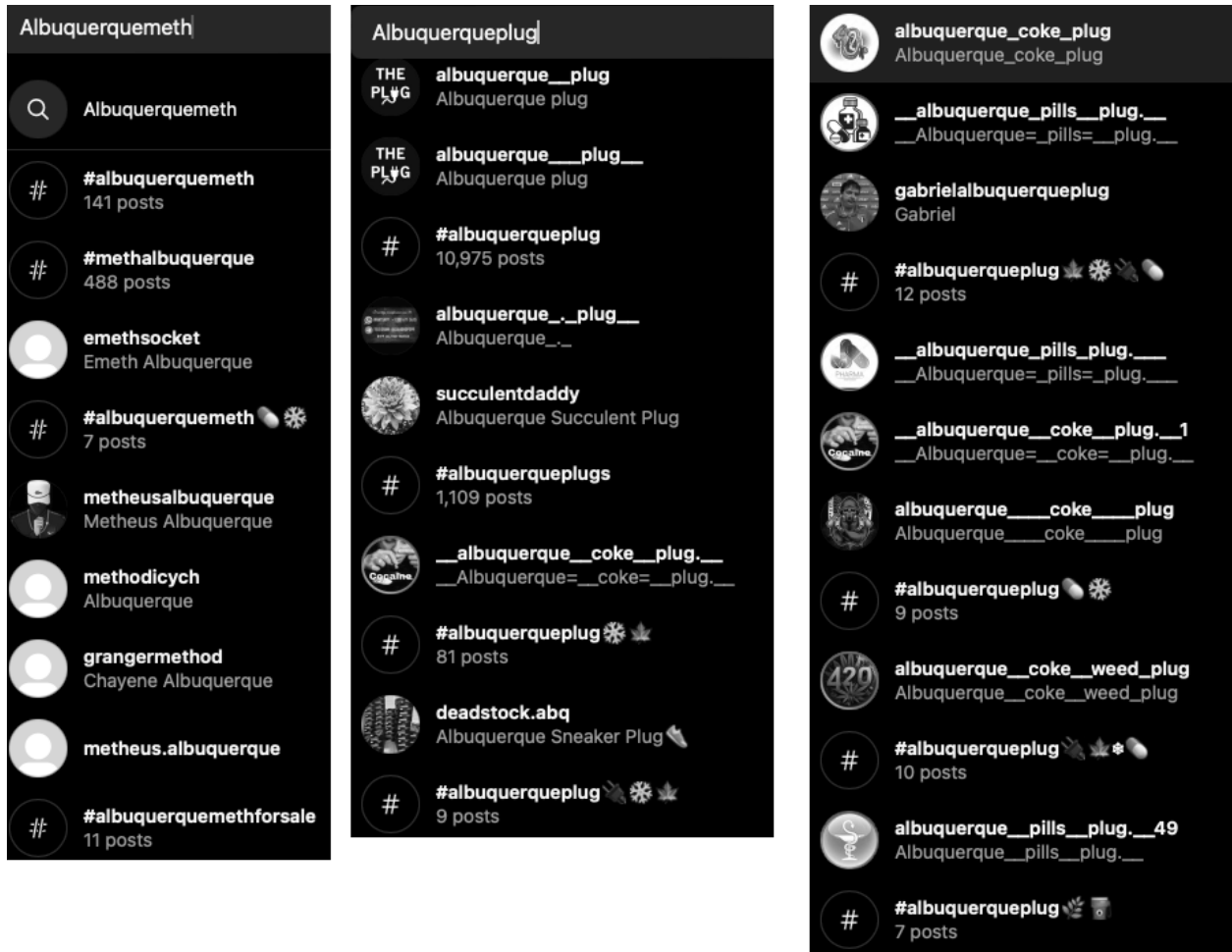


Figure 31

215. The use of Snap accounts to carry out drug sales was evident on Instagram, as well. (Fig. 32)



Figure 32

216. The Department’s 14-year-old decoy account was able to communicate with a seller recommended by Snap. (Fig. 33)

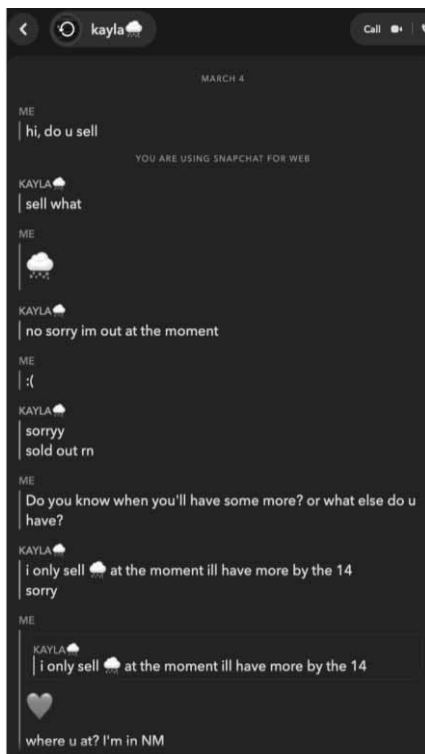


Figure 33

217. Snapchat users whose accounts were removed by Snap could easily create a new account with a similar username. Snap’s algorithm then suggested to its target audience because of its similarity. In the figure below (Fig. 34), hairyplug (slang for drug dealer) changed its username to hairyplugg and was recommended as a friend to a decoy user searching for the original name.

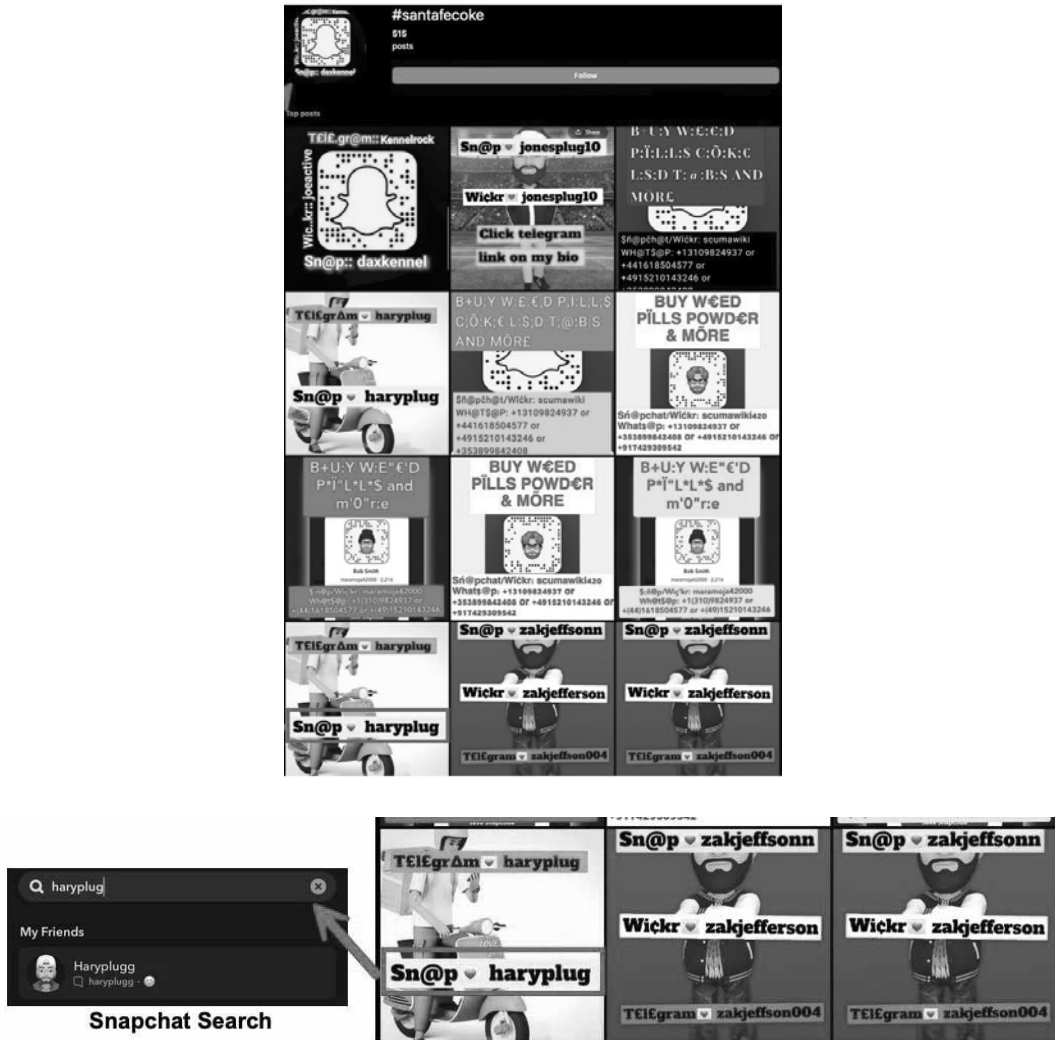


Figure 34

218. Other litigation has highlighted the use of Snapchat to market, sell, and buy illicit drugs. Alex Neville, a 14-year-old, fatally overdosed after purchasing fentanyl on Snapchat. According to his mother’s testimony at a Congressional hearing, Alex was first introduced to

opioids while using Snapchat.⁸⁰ In declining to grant Snap’s motion to dismiss Neville’s complaint as immunized by Section 230, a California state court noted the numerous dangerous design features alleged to have contributed to his death—in line with those described here: ineffective age and identity verification; lack of parental controls and reporting mechanisms; a “‘quick add’ feature [that] facilitates drug dealers’ targeting of minors with drug menus and solicitations;” a “‘stories’ feature [that] facilitates drug dealers’ engagement with minors” and recommended posts with detailed drug menus; notifications; Snap’s failure to cooperate with law enforcement and to limit usage by children, which made Snapchat “an inherently dangerous product for young users” and allowed it to evolve into a “digital open-air drug market.”

219. Plaintiffs attached as an exhibit to the Neville complaint a memo circulated by one parent who lost a child to an overdose from a fentanyl pill purchased through Snapchat. It includes the following summary that lays out how Snap facilitates the sale of deadly fentanyl:

Here is a bullet point summary of the unique characteristics of fentapills+SnapChat:

- Snapchat actively markets its product to young people. 70% of Americans under the age of 24 have a SnapChat account. This demographic is their bread and butter.
- This demographic also uses prescription pills at a higher rate than any other in history. Sharing pills and shopping for them on SnapChat is socially acceptable.
- SnapChat’s differentiating feature is that posts are temporary. Users can specify the duration of their posts, after which they ‘vanish’ from public view. The app also has a geolocation feature so users can find one another on a map.
- Drug dealers know this. They actively target SnapChat users by posting their goods and arranging meetups for transactions.
- The rise of counterfeit prescription pills (fentapills) presents a clear and present danger to young people, specifically the SnapChat demographic. Many victims are minor children.
- SnapChat gives drug dealers easy, risk free access to their target market. Its features make it THE IDEAL distribution channel for their drugs.

The above scenario creates a perfect storm that results in the deaths of thousands of young people each year. Deadly fentapills are widely available on SnapChat, a platform designed to hide all evidence of questionable activity. High demand plus easy access equals death.

⁸⁰ <https://www.npr.org/2023/01/26/1151474285/social-media-platforms-face-pressure-to-stop-online-drug-dealers-who-target-kids>

220. Another exhibit to the complaint includes an exchange between Snap and parents asking whether it is true that “dealers are able to push drug menus to kids without being ‘friends.’”⁸¹ The post had noted that, in one parent’s review of a teenager’s phone, “the amount of drug menus, pictures of pills, guns, and vapes for sale was disturbing,” and offers a selection of those Snaps: (Fig. 35)

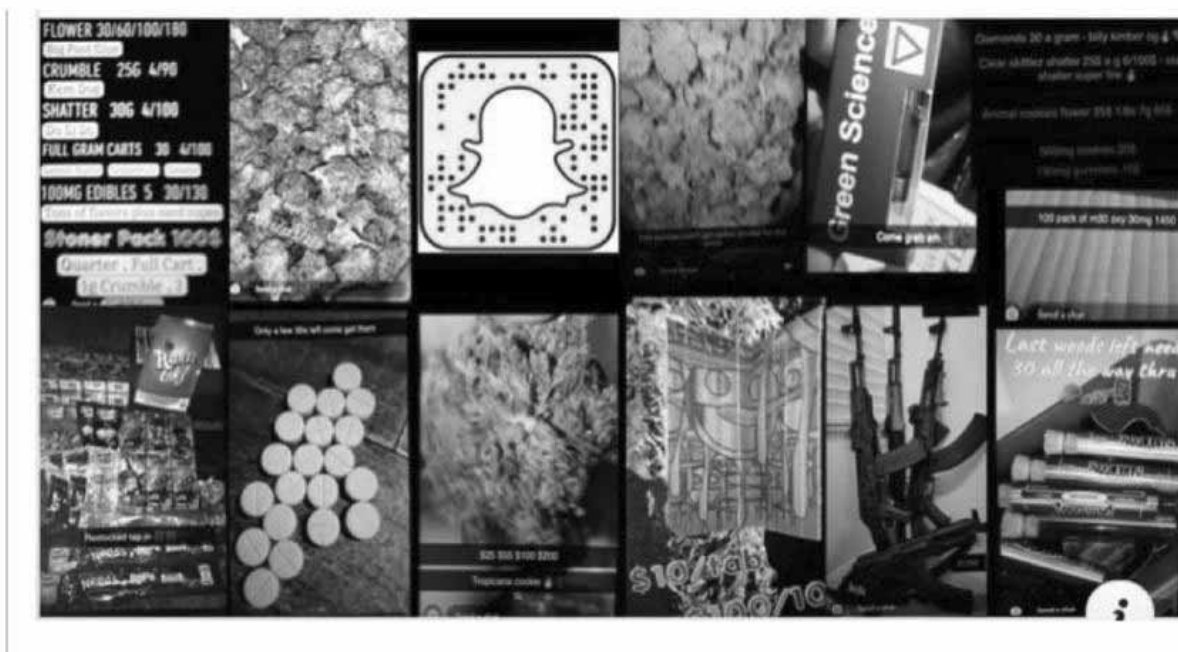


Figure 35

221. Snap’s response, once again, was to shift the responsibility to parents to ensure that children did not open their settings to allow contact by everyone:

⁸¹ Neville v. Snap, Inc., Docket No. 22STCV33500 (Cal. Super. Ct. Oct 13, 2022).

With respect to the parent claiming that their child doesn't need to be "friends" with someone to receive a message from a stranger, that is technically possible. However, that may be because the child went into the user settings and changed who can "Contact Me" from the default setting which is "My Friends" to "everyone" (image of the setting below). In our [parent guide](#) we emphasize that you should only connect to people you actually know: *Keep it Between Friends: Snapchat was made for keeping in touch with your close friends. We recommend that you only friend or accept friend requests from people that you know in real life. Remind your teens that it's not safe to meet up with a person they meet online!*

Snap did not, however, consider changing the feature or properly implementing age verification to prevent the dangerous contact in the first place.

222. New Mexico has not been spared from the widespread devastation and harm caused by the easy access on Snapchat to market, sell, and buy illicit drugs. The story of a New Mexico plaintiff in the Neville litigation, A.B., provides a window into Snap's impact in the state. A.B., who was 16 years old when the litigation was filed in 2023, began using Snap when she was 12. Her parents did not permit A.B. to use social media and did not believe that she could use the platform at her young age. But she did—and ultimately opened several Snap accounts without parental consent, despite Snap's claims that it does not permit use by children under 13 at all or by children between 13 and 17 without parental consent. A.B.'s mother was wary of social media, but, as the complaint alleges, believed that Snap was "a relatively wholesome app used by teens to take silly pictures with their friends, and that it was different from other platforms, including because it did not put children out there for strangers to connect with or otherwise provide them with access to kids." A.B. also trusted Snapchat, whose games, cartoons, filters, and other features seemed fun, and she was not warned of the product's dangers.

223. In fact, Snap recommended to A.B. Snapchat Stories with drug-related subjects and drug dealers, even in the absence of having searched for similar content. She received Quick Add requests from adult strangers selling drugs (or "plugs"), including those whose Stories she received. She "would stay up all night talking to users sent to her by Snap." She tried illicit drugs, including OxyContin and Xanax. She began to struggle at school and her use of social media was

a source of tension with her parents. In 2021, A.B. dropped out of school and ran away for five months with an adult male who was connected to her through Quick Add when she was 14 or 15.

224. A.B. experienced a near-fatal fentanyl overdose in December of 2021, and she noted that, even after, she continued to be exposed to drug-related content on Snapchat. The complaint continued: “A.B. predicted that it would take her 30 seconds to find a plug to sell her drugs on Snapchat. A.B. had been unable to stop using Snapchat, despite the risks it poses to her.”

225. For many years, news outlets have reported the ongoing sale of illicit drugs in New Mexico on Snap’s platform:

- On June 5, 2019, *The Seattle Times* reported, “A New Mexico teenager faced drug and gun charges ... amid accusations that he had used a popular social media platform to peddle fentanyl, assault weapons and other firearms.” Videos from Snapchat showed “plastic bags filled with small blue pills, pistols and rifles.”⁸²
- On March 8, 2020, *KRQE News* reported, “Police say two people were busted for running a drug trafficking business from an Albuquerque smoke shop.” “During a search, police found seven firearms, five pounds of marijuana, more than \$100,000 worth of illegal THC products, about \$300,000, and much more.” “The DA’s office says Caldera used his Snapchat to sell marijuana and guns from the smoke shop.”⁸³
- On June 25, 2020, a KFOX14 article noted, “Investigators learned that Pinon and the 16-year-old boy used the social media app Snapchat to discuss the sale of

⁸² M Hudetz, *The Seattle Times*, “Authorities accuse teen of peddling drugs, guns on Snapchat”, 06/05/2019. <https://www.seattletimes.com/business/authorities-accuse-teen-of-peddling-drugs-guns-on-snapchat/>

⁸³ *KRQE News*, “Smoke shop owner, employee busted for alleged drug trafficking”, 03/08/2020. <https://www.krqe.com/news/albuquerque-metro/smoke-shop-busted-for-alleged-drug-trafficking/>

marijuana.” “Investigators determined Pinon’s identity through his Snapchat and Facebook accounts.”⁸⁴

- On November 10, 2023, a local news outlet reported, “It was a shocking discovery at Rio Rancho High School, a resource officer searching a student’s car finds drugs, cash, vapes, and another surprise...a gun.” “A student was selling THC vapes at school and posting it on Snapchat.”⁸⁵

226. National news media exposed the ability to use Snapchat to sell drugs. In 2020, a Vice news reporter posed as a teenager on Snapchat and almost immediately found a “drug dealer’s directory” with usernames for 104 different dealers she could contact to buy drugs. To buy drugs, the investigation concluded, she needed only a few minutes, “an address and [a] Snapchat account.”⁸⁶

227. Internal documents show that Snap was aware that its platform was being used to market and sell illicit drugs. After an October 2019 news article described Snapchat’s popularity with drug dealers, Snap’s communications director complained internally that while the company was “pushing back fiercely on the claim that illegal content is particularly bad on Snapchat . . . from what we can see, drug dealing—both buying and selling – has increased significantly.” She noted that dealers use Stories, which are recommended through Snap’s Discovery feed or set to allow communication with “Everyone,” to “amass a huge amount of subscribers” with a “lack of repercussions.” While an account may be deleted if it is reported, “it is not necessarily device blocked, meaning accounts pop right back up. Nor is there any threat of the account being reported

⁸⁴ J. Valencia, *KFOX14*, “Teen arrested in connection to Las Cruces drug deal robbery, shooting”, 06/25/2020. <https://kfoxtv.com/news/crime-news/man-injured-in-shooting-near-new-mexico-state-university>

⁸⁵ G. Chavez, *KRQE News*, “Rio Rancho High School resource officers find drugs and gun on student”, 11/10/2023. <https://www.krqe.com/news/new-mexico/video-rio-rancho-high-school-resource-officers-find-drugs-and-gun-on-student/>

⁸⁶ VICE, *Buying Drugs Over Snapchat*, YouTube (Feb. 5, 2020), https://www.youtube.com/watch?v=1Ki7d_R-t60.

to law enforcement,” which complains about the “difficulty of apprehending bad actors on our platform.”

228. Indeed, later that year, meeting notes confirm Snap’s recognition that “some bad actors prefer to transact on Snapchat given the ephemerality of communications on our platform.”

229. Snap employees also circulated media reports that dealers were finding buyers through its Quick Add feature and that, “per our analysis, on average at least ~700k Snapchatters are exposed to drug content daily in the areas we scanned.” A presentation by the security firm Crisp advised Snap, in a slide headed “Enabling Easy Access to Illegal Substances,” that: “It takes under a minute to use Snapchat to be in position to purchase illegal and harmful substances.” Still in 2022, another firm warned that Snap’s features promoted the sale of drugs, warning that not only does Quick Add connect buyers and sellers of drugs, but that Snap’s algorithm then “suggests users with similar names and profile types” and that “[a]rtificial intelligence is trained to link these similar accounts together” and that “[a]dding drug or porn accounts leads to more suggested drug and porn accounts.”

230. In June 2020, Snap received a list of concerns from the Daniel Spargo-Mabbs (DSM) Foundation, a drug and alcohol education charity, regarding the availability of drugs on Snapchat. DSM noted, “It is far too easy to find accounts openly selling illegal drugs on Snapchat.” They further stated, “Snapchat is over-reliant on users reporting drug-related content, despite recognizing low levels of reporting by users.” In preparation for an August 2020 meeting with the founder of DSM to address concerns raised about drug dealing on Snapchat, an internal memo laid out Snap’s approach to the meeting and draft responses. In part, Snap noted, “We apply different steps against illegal activity to different elements of the platform, some of which we do not publicize to prevent circumvention of those steps. The public side of Snapchat – our Discover

platform – is curated and pre-moderated, which prevents opportunity for this kind of activity. When it comes to users’ private communications – their Snaps, chats and Stories – users do have a justifiable expectation that these aren’t being monitored or scanned (just as is the case with iMessage, SMS, Whatsapp or private phone calls), and that’s not something that we do. So we do rely on user reporting to alert us to illegal activity in this area....”

231. In June 2021, Snap consultant Breakwater Strategy reported, “Many teens and young adults indicated that prescription drugs can be purchased through online connections on several digital communications platforms, like Snapchat, Instagram Messenger and Telegram.” “They take pictures on Snapchat and then it’ll show the little Snap username. You could add this person and they’ll come and deliver it, so it’s becoming advertising in a weird way.”

232. Even Snap’s belated safety measures indicated and failed to address the extent of drug-related sales on its platforms. In response to rampant drug trafficking on its platform, in 2021 Snap built Abacus, a “more proactive” detection and enforcement model. An internal document noted, “Since we started in May, we have reviewed 1.5 million pieces of content for drugs, deleted a million of those and deleted half a million-drug sale related accounts. These dealers had previously gone undetected, and it is 35 times the number of dealers reported by end users.” “Based on our current detection we see an average of about half a million unique users being exposed to drug related content every day...”

233. The DEA wrote to Snap on February 3, 2022 to urge the company to take action to address drug sales on Snapchat. The DEA reported that it had been able to connect drug sales on Snapchat to overdose deaths and noted that drug traffickers report preferring Snapchat to other platforms because of its “untraceable nature.”

234. Parents who have lost their children to overdoses have also complained about how Snap's data practices impede investigation of drug sales on the platform. Here is one public exchange from 2022 that, as with CSAM, places the burden on parents to find evidence to support action by Snap or the platform, given its refusal to maintain this data:

#2. What is the current status of this account? Has there been a request to look at it for drug selling? I can assure you that we thoroughly reviewed the account referenced but we have been unable to identify the content in question. If the parents can provide any evidence, screenshots or other data that points to drug selling, we would be happy to consider it. With respect to the second question, again we would strongly encourage the parents to speak to law enforcement about the status of those types of requests.

#3. Retrieving individual chats/"I assume this data is long gone." Individual chats inherently delete themselves unless the user takes action.

87

235. The ease with which the Department of Justice was able to locate drug related content and the continued evidence of drug sales on the platform confirm Snap's failure to take seriously the warnings from law enforcement, the insufficiency of Snapchat's safety measures, the continued impact of its design features in facilitating drug sales, and the misleading nature of its public representations regarding the extent and efficacy of its efforts to address drug trafficking. For instance, in October 2022, Snap shared an overview of its efforts to combat the opioid epidemic, including "Strengthening our proactive detection: We continue to strengthen our AI and machine learning tools that help us proactively detect dangerous drug activity on Snapchat. Working across platforms to find drug dealers: Knowing that drug dealers operate across a range

⁸⁷ Neville v. Snap, Inc., Docket No. 22STCV33500 (Cal. Super. Ct. Oct 13, 2022).

of social media and communications platforms, we also work with experts to find illicit drug-related content across these other platforms that references Snapchat, so we can find drug dealers' Snapchat accounts and shut them down. When we find drug dealers using Snapchat, we not only ban their accounts, but we take active steps to block them from creating new ones.”⁸⁸

236. Also misleading, in July 2023, Snap released new safety policies aimed at addressing the rampant sale of drugs on its platform. “Snap’s Commitment to Combating Lethal Drugs” noted “We use machine-learning tools to proactively detect dangerous drug activity...As a result of these improvements, **we now proactively identify and remove approximately 90% of all identified illicit drug content** before Snapchatters even have the opportunity to report it to us.” (emphasis in original).

237. Snap’s recommendation of drug-related content and its facilitation of contacts between drug-sellers and drug-buyers has contributed to the ongoing epidemic of drug-related deaths in New Mexico. New Mexico has one of the highest rates of fatal drug overdoses in the country. In 2022, 1,024 New Mexicans died from drug overdoses,⁸⁹ up from 801 in 2020. According to the most recent Department of Health data, two-thirds of those drug overdose deaths in 2020 involved an opioid—prescription opioids, heroin, or fentanyl. The State’s rate of methamphetamine overdoses also has skyrocketed, and is almost triple the rate in 2015.⁹⁰

IX. SNAPCHAT’S FEATURES ENABLED IT TO BE USED AS A MARKETPLACE FOR THE ILLEGAL TRADE AND SALE OF GUNS

238. As demonstrated by the examples above and below, Snapchat’s features, including its ephemeral and Discover content, enabled it to be used as an easily accessible marketplace for

⁸⁸ Continuing our Efforts to Combat the U.S. Fentanyl Crisis, 10/12/2022. <https://values.snap.com/news/continuing-our-efforts-to-combat-the-us-fentanyl-crisis>.

⁸⁹ https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm

⁹⁰ <https://www.nmhealth.org/publication/view/marketing/2117/>.

the illegal trade and sale of weapons and guns. News outlets have reported the ongoing sales of weapons across the nation, and specifically in New Mexico, on Snap’s platform:

- *June 5, 2019 – The Seattle Times* article titled, “*Authorities accuse teen of peddling drugs, guns on Snapchat.*”⁹¹ The article stated, “A New Mexico teenager faced drug and gun charges on Wednesday amid accusations that he had used a popular social media platform to peddle fentanyl, assault weapons and other firearms.” “An FBI search warrant showed the teen arrested at a house in Southwest Albuquerque early Tuesday morning – about a month after the FBI was tipped that the boy was posting multiple assault weapons and large amounts of fentanyl for sale.” “FBI and state police agents’ list of items seized included 60 tablets they suspected to be the powerful opioid fentanyl and a loaded AR-15 pistol with a 30-round magazine.”
- *November 7, 2021 – The Santa Fe New Mexican* article titled, “*You Wanna Protect Yourself.*”⁹² The article stated, “Finding a gun was as easy as unlocking his phone.” “Social media apps like Snapchat, Instagram and Facebook Messenger allow for an easy trade in firearms, as well as drugs such as fentanyl and cocaine, said the 19-year-old.” “He asked that his name not be published because he was concerned for his safety.” “You just ask these people on Snapchat, and it’s like they open up shop.”
- *February 2, 2023 – KRQE 13* article titled, “*Feds say New Mexicans fueling gun crimes with straw purchases.*”⁹³ The article stated, “How are convicted criminals

⁹¹ M. Hudetz, *The Seattle Times* “Authorities accuse teen of peddling drugs, guns on Snapchat”, 6/5/2019. Authorities accuse teen of peddling drugs, guns on Snapchat | The Seattle Times

⁹² V. Traxler, *The Santa Fe New Mexican*, “As Violence spikes in Santa Fe, teens saying buying guns is easier than ever”, 11/7/2021. As violence spikes in Santa Fe, teens saying buying guns is easier than ever (yahoo.com)/

⁹³ A. Pierret, *KRQE News 13*, “Feds say New Mexicans fueling gun crimes with straw purchases”, 2/2/2023. Feds say New Mexicans fueling gun crimes with straw purchases | KRQE News 13/.

and even violent kids getting their hands on guns?” “Oftentimes, the guns are stolen; but the majority of the time, federal law enforcement says qualified New Mexicans are buying guns for people who shouldn’t have them.” “Federal law enforcement caught Archuleta after he bought 33 firearms at 3 guns stores across the city in 5 months.” “He is charged with straw purchasing 24 of those guns.” “Court records state a gang member used the app Snapchat to tell Archuleta what to buy.”

- November 15, 2023 – Searchlight New Mexico article titled, “Two sides of a gun.”⁹⁴ The article stated, “In a time when kids can buy semi-automatics on Snapchat, two beloved sons start shooting.” “And two families are torn apart.” “By then, Noah would stand accused of shooting and killing 22-year-old Elijah Mirabal in a drug deal turned shootout.” “This time, Noah was armed with a semi-automatic ‘blackout rifle’ similar to those used by U.S. Army Rangers, purchased on Snapchat, according to his mother.” “‘You literally get on Snapchat, and you say, ‘I want to buy a gun,’ and you will get a million people trying to sell you their guns,’ said Vanessa Hullinger.”
- November 29, 2023 – Action News 7 article titled, “How are teens getting guns in New Mexico.”⁹⁵ The article stated, “You can buy these on FB messenger, Snapchat or know someone that can sell a gun and you can see that a good number of homicides originate from black market gun sales.”

⁹⁴ J. Bowling, *Searchlight New Mexico*, “Two sides of a gun”, 11/15/2023, Two sides of a gun | Searchlight New Mexico (searchlightnm.org).

⁹⁵ S. Muniz, *KOAT*, “How are teens getting guns in New Mexico”, 11/29/2023. How teenagers are getting guns in New Mexico (koat.com).

239. One New Mexico case demonstrates Snapchat's use for gun-related crimes. Fourteen-year-old Ahmed Lateef and 15-year-old Collin Romero of Albuquerque were killed in 2018. The 22-caliber gun and bullets through Snapchat. Limited Snaps provided to law enforcement suggest that the victims met the seller through Snapchat. The three perpetrators, now serving life sentences, also recorded and saved on Snapchat's Memories videos of beating their victims as they drove across Albuquerque. Snap did not report the activity to law enforcement at the time.

240. Snap's executives and board were aware of the growing public concern of sales of guns and weapons on its platform. A September 2019 Board Meeting Communication Update stated, "Most recently, we were admonished and questioned in July by Rep. Marsha Blackburn (R-TN) and the National Center for Sexual Exploitation regarding our Discover content and their perception that some of the purported safeguards on Snap were wanting. Second, this kind of scrutiny and questioning will grow in the wake of added public concerns – about mass shootings, the sale of guns online, sex trafficking, and now even, the immigration debate – as social media platforms are questioned and debates are played out in the coming year on the 2020 election trail."

241. According to an undated internal Snap presentation regarding a new safety measure, Snap acknowledged that it had a "problem" with drugs and guns on the platform.

242. The Snap presenter turned first to drugs, highlighting news articles and a tweet on his wife's feed conveying the ease with which a user could sell cocaine (Fig. 36) that had "almost a half million likes." The presenter's notes explained that dealers are using Snapchat's "sharing mechanisms" "to reach teens on Snapchat they would never encounter in real life" and that "some teens have even died as result of buying drugs that they found through Snapchat." (Fig. 37).



Drugs...on Snapchat?



sgt balls
@sgtballsvevo

man how the fuck do you get banned from snapchat i used to use that app to sell cocaine in total peace

10:35 AM · Jan 9, 2021 · Twitter for iPhone

23.3K Retweets **950** Quote Tweets **416.5K** Likes



erin anne @erin_garv · Jan 9
Replying to @sgtballsvevo
snapchat in the south is solely for drug dealing

17 165 7K

Figure 36

Slide 2 Notes

- In case you didn't know, we have a Drugs problem on Snapchat.
- Here's a Tweet that popped up on my wife's Twitter feed a couple days ago. This tweet received almost a half million likes. There have also been numerous news articles written about this.
- Drug dealers are using our platform's sharing mechanisms to, in-effect, "advertise" illegal substance. They're able to reach teens on Snapchat they would never encounter in real life
- This not only results in teenage drug addiction, but some teens have even died as a result of buying drugs that they found through Snapchat.

Figure 37

243. Turning next to guns, the employee continued down the Twitter thread to a user who responded with the image (Fig. 38) of gun he found for sale on Snapchat minutes before:



Guns...on Snapchat?

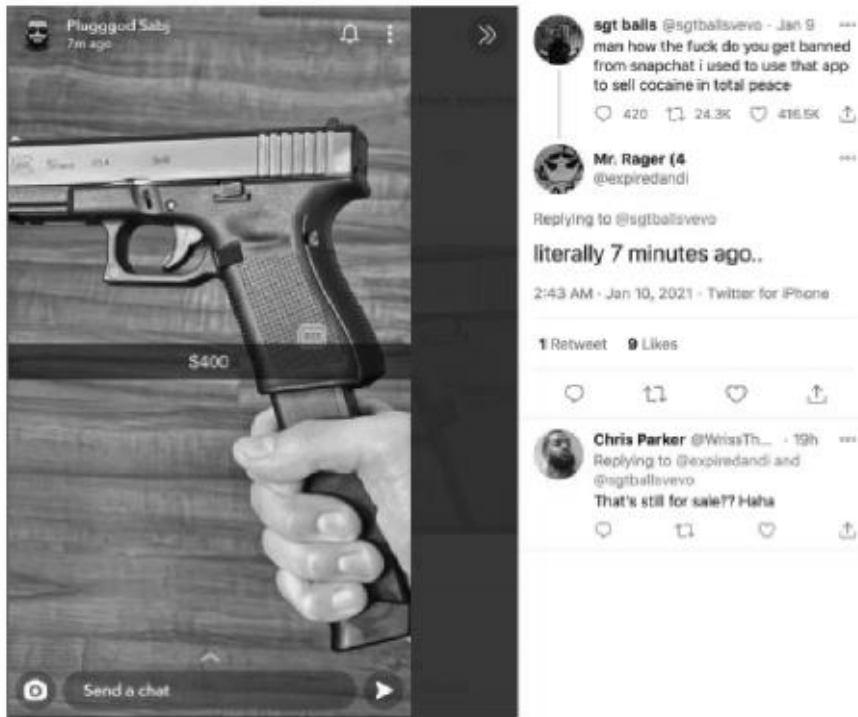


Figure 38

The presenter notes to the slide (Fig. 39) explained, “[t]hese are not BB guns or hunting rifles, they are firearms and assault rifles” and “not registered, and they’re often implicated in gang violence and murders[.]”

Slide 3 Notes

- We also have a Guns problem on Snapchat
- As I was scrolling through that Twitter thread, I saw this post.
- It's been frequently covered in the news that illegal weapons are being sold on Snapchat and other social media platforms.
- These are not BB guns or hunting rifles, they are firearms and assault rifles
- As might already know illegal guns are bad for numerous reasons: these weapons are not registered, and they're often implicated in gang violence and murders

Figure 39

Snap relayed that there were 50 posts related to illegal gun sales per day and 9,000 views per day of these marketed weapons. The presentation also acknowledged that “[m]ost bad content is not reported on Snapchat” and that even “[r]eported content is usually viewed hundreds of times before report.”

244. In response to a June 2022 Washington Post article titled, “Facebook’s ban on gun sales gives sellers 10 strikes before booting them,” Snap revisited its strike policy on weapons. One Snap executive noted, “Our strike system isn’t yet activated at this point, and the silver lining there is that our draft approach can be adjusted without creating any operational headaches. For consistency across our enforcement framework, my bias is for launching the strike system with three consistent tiers – zero tolerance; 3-strike violations; and 5-strike violations – so here, we’d be contemplating moving weapons into the zero-tolerance tier. I’m very sensitive to the risks of weapon sales on our platform and I’m open to stricter prohibition. But I also appreciate our platform’s primary use case is very different from TikTok’s – enforcement of this prohibition on Snapchat would, for example, implicate user privacy[] expectations in ways that I wouldn’t expect to be applicable at TikTok.” While it is not known how many strikes Snap settled on after media exposure, its initial proposal reflects Snap’s lax attitude towards what it acknowledged to be deadly activity on its platform, was unreasonably dangerous, contradicts its public assurances regarding its commitment to safety on its platform.

X. SNAP’S BUSINESS MODEL TARGETS YOUNG USERS SPECIFICALLY WITH FEATURES DESIGNED TO ENTICE AND ADDICT YOUTH

245. Snap’s failures to protect New Mexico’s children extend beyond disturbing CSAM, CSEC, sex trafficking, illicit drug, and gun content existing on their platform. Snap added features intentionally designed to attract and addict the “Snapchat Generation” (Gen Z) to increase company profits. Some of these highly addicting features, which promote higher user engagement,

leading to higher revenues, include Snap Streaks, trophies, and reward systems.

246. Snapchat’s continued growth is driven by its key user demographic: 13–17-year-olds. According to an October 2017 Piper Jaffray semi-annual “Taking Stock with Teens” research survey, 47% of teenagers said Snapchat is their favorite social media platform. In December 2018, 45% of users ages 13-17 used Snapchat “almost constantly.” Snapchat flaunts its influence over what it calls the “Snapchat Generation” (Gen Z).

247. A 2023 internal research document entitled “Parent Perceptions Research” confirmed that “**Core Snapchat features** – specifically ephemerality, location sharing, and streaks – are **directly connected to specific parental concerns** like bullying, inappropriate contact with either peers or strangers, and mental health.”

248. In order to maximize its revenues, Snap depends upon compulsive and pervasive use among young people. Thus, Snap employs a variety of features to exacerbate youth use of and addiction to its products, including the features described above, as well as disappearing content, notifications, Snap Streaks, and trophies and charms.

249. As shown below, each of these design features of Snap’s platform, collectively and individually, caused real and lasting harm to young users, including young users in New Mexico. Harm results not only from the design features’ propensity to feature content promoting eating disorders or social comparison, but also from the addictive nature of the app and Snap’s intentional decisions to implement features to foster that addiction, under the guise of “increasing user engagement.”

A. Disappearing Content and Stories

250. In addition to promoting and facilitating illicit child sexual content, as detailed above, disappearing content contributes to social harm among young people.

251. Fear of Missing Out (“FOMO”) is a “pervasive apprehension that others might be having rewarding experiences from which one is absent” and “is characterized by the desire to stay continually connected with what others are doing.” Social media, including Snap’s platform, “may be especially attractive” for individuals “who fear missing out.”⁹⁶ “Adolescents are particularly susceptible to development of Fear of Missing Out by using social media.”⁹⁷

252. Snap’s internal research confirmed the importance of FOMO to Snap’s overall functioning. A December 2018 presentation proclaimed: “As the true digital natives, Gen Zs see their mobile devices as an extension of themselves, and while this allows constant access, it also creates constant pressure. There is never a break from the very real FOMO that exists.”

253. Snap employs ephemeral content in order to drive user engagement by making certain content available to users only temporarily. In October 2013, Snap added “Stories,” a feature that generates a compilation of its users’ designated photos and videos that expire within 24 hours and can be viewed an unlimited number of times by friends or anyone on Snapchat if the user sets the visibility setting to Everyone.⁹⁸ The view count, view list, and ephemeral nature of Stories fuels addiction and over-use by compelling users to constantly monitor Stories for fear of missing out.

254. In 2016, Snap updated Stories to include recommendations based on an algorithm that considers “proximity, time, interestingness, or other such metrics.” Snap also introduced ads between Stories and updated Stories to include “Auto-Advance,” a feature that starts a new Story automatically after the preceding one ends. This creates an endless cycle of consumption that can compromise adolescent users’ mental health.

⁹⁶ <https://www.sciencedirect.com/science/article/abs/pii/S0747563213000800?via%3Dihub>

⁹⁷ <https://journals.sagepub.com/doi/full/10.1177/2056305120965517#bibr1-2056305120965517>

⁹⁸ Darrell Etherington, *Snapchat Gets Its Own Timeline with Snapchat Stories, 24-Hour Photo & Video Tales*, TechCrunch (Oct. 3, 2013).

255. Snap employs these features even though it is aware the features cause harm to young users and that young users are unable to self-regulate their use of Snapchat as the result of Snap’s design choices.

B. Notifications

256. In addition to Snapchat’s in-app reward features, Snap also sends push notifications and emails to encourage addictive engagement and increase use.

257. A “push notification” is an alert displayed on a user’s device to signal that some activity has occurred on the platform and entice users—especially young users—to return to the platform and view the activity. Push notifications may be sent for a variety of activity, including when another user follows them, or likes or comments on their post. Push notifications may also appear if the user is “tagged” or mentioned in a post or if a message is sent.

258. “Sounds and vibrations are deliberately designed and distracting technologies that facilitate users’ attention away from the offline world and back to life online – pulling individuals ‘out of the moment.’” Moreover, the repeated nature of these notifications “creates a trigger for a routine and is exactly what social media operators want you to do.”⁹⁹

259. Snap enables “push notifications” by default when one of its apps is installed on a smartphone, and notifications may appear on a user’s screen when the phone is not being used (such as when a young user is doing homework for school) or when the user does not have the Snapchat app open. Notifications are not just visual; they will cause the device to vibrate and make a sound by default unless the user changes the setting. These notifications are calibrated to maximize the likelihood that a user who is not presently using the product will re-open the platform. Indeed, a small number at the top of a Snapchat icon on a user’s mobile device will

⁹⁹ Mark D. Griffiths, *Adolescent social networking: How do social media operators facilitate habitual use?*, <https://sheu.org.uk/sheux/EH/eh363mdg.pdf> (last visited Dec. 1, 2023).

display just how many notifications the user has “missed.”

260. Notifications are triggered based on information Snap collects from, and about, its users. Snap “pushes” these communications to users excessively and at disruptive times of day. Snap has even designed the format of these notifications to pull users back onto its app by preying on their fear of missing out—never mind the consequences to their health and well-being.

261. Snap’s notifications display not only within a user’s interface (whether directly through the Internet or on a mobile app), but also appear adjacent to a user’s mobile app even when the user is not using Snapchat or even in a user’s email should they spend too long off the platform.

262. Snap’s business model is so heavily invested in notifications that the Snapchat app aggressively and persistently encourages users who have disabled notifications to turn the setting back “on,” with near full-screen warnings such as the one pictured below: (Fig. 40)

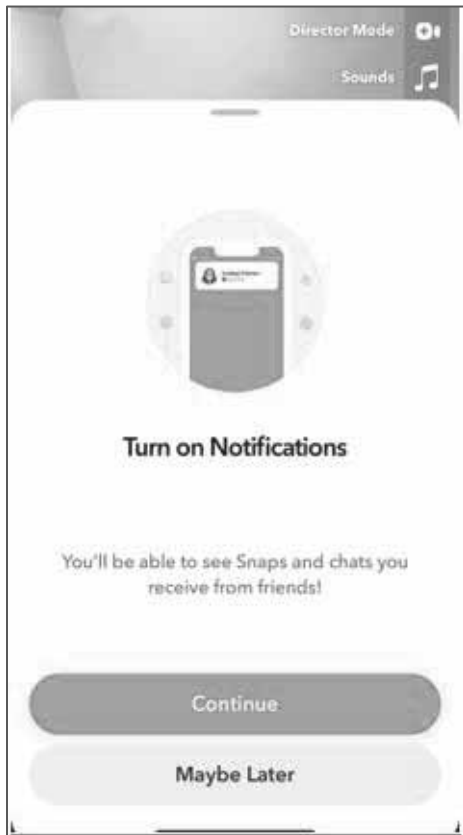


Figure 40

263. A recent study performed by Common Sense Media and the C.S. Mott Children's Hospital confirms the ubiquity and intensity of notifications in a young person's life. The research found that young users "received a median of 237 notifications" in a "typical day," and that "[n]otification frequency varied widely, with maximums of over 4,500 delivered and over 1,200 seen." Nearly a quarter of those notifications arrived during school hours.¹⁰⁰

264. An April 2018 presentation to Snap's Board reported that its notifications, which were used to recommend new Stories and friends, added █ million daily users.

C. Lenses & Filters

265. Snap also incorporates numerous custom-designed lenses and filters, which allow users to edit and overlay augmented-reality special effects and sounds on their Snaps. Many of Snapchat's lenses and filters change users' appearance and face, creating unrealistic, idealized versions that cause profound body image issues in teenagers, especially girls. Snap's addictive features referenced herein compound this harm.

266. Examples of these features include the Smoothing Filter, which blurs facial imperfections and evens out skin tone; Bold Makeup, which adds makeup over the user's face, blurs imperfections, and evens out skin tone; Sunkissed and Cute Freckles, which adds freckles over the nose and cheeks, blurs imperfections, evens out skin tone, and adjusts skin color; Face and Body Mellow Glow, which smooths the face and body and adjusts skin color; and Fluffy Eyelashes, which alters the shape of the user's face by lifting their eyes and adding more pronounced cheek bones. The common theme among all of these filters is that they remove the subjects' perceived blemishes to create the perfect "selfie." (Fig. 41)

¹⁰⁰ https://www.common sense media.org/sites/default/files/research/report/2023-cs-smartphone-research-report_final-for-web.pdf



Figure 41

267. A 2017 study found that these features made Snapchat one of the worst social media products for the mental health of children and adolescents, behind only Instagram.¹⁰¹ In recent years, plastic surgeons have reported an increase in requests for alterations that correspond to Snapchat’s filters. This has led researchers to coin the term “Snapchat Dysmorphia,” in which the effect of Snapchat’s filters triggers body dysmorphic disorder.¹⁰² The rationale underlying this disorder is that beauty filters on Snapchat create a “sense of unattainable perfection” that leads to self-alienation and damages a person’s self-esteem.¹⁰³ One social psychologist summarized the effect as “the pressure to present a certain filtered image on social media,” which “can certainly play into [depression and anxiety] for younger people who are just developing their identities.”¹⁰⁴

268. Contributing to the potential harm, images that have been run through a filter are

¹⁰¹ Kara Fox, *Instagram worst social media app for young people’s mental health*, CNN (May 19, 2017), <https://www.cnn.com/2017/05/19/health/instagram-worst-social-network-app-youngpeople-mental-health/index.html>

¹⁰² Chen et al., *Association Between Social Media and Photograph Editing Use, Self-esteem, and Cosmetic Surgery Acceptance*, JAMA Facial Plastic Surgery, 2019; See also Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beautyfilters/story?id=7742798>.

¹⁰³ Chen et al., *Association Between Social Media and Photograph Editing Use, Self-esteem, and Cosmetic Surgery Acceptance*, JAMA Facial Plastic Surgery, 2019; See also Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beautyfilters/story?id=77427989>.

¹⁰⁴ <https://abcnews.go.com/Technology/lines-blur-real-virtual-beauty-filters/story?id=77427989>.

not labeled as such. Thus, the viewer has no way to determine whether the image displayed is a true-to-life version of the person, place or thing captured, or whether the image has been altered in some way to enhance, reduce, add or eliminate features to make the picture appear more visually appealing.

269. These filters are not third-party content. Rather, they are custom-designed features representing Snap’s own design choice to provide users with tools to modify content. The filters are harmful regardless of whether children eventually post images that they have filtered, because children are harmed simply by creating and viewing the altered image.

D. Snap Streak

270. The “Snapstreak” is unique to Snapchat and is an addictive feature “especially to teenagers.”¹⁰⁵

271. Two users earn a Snapstreak when they exchange at least one Snap in three consecutive 24-hour periods. When the streak is achieved, users earn a fire emoji next to their profile avatar. Over time, users may be rewarded with additional emojis to recognize their long streak of communication. Snapchat will show the user a timer if they are close to losing the streak. The effect of streaks is to create a routine that becomes a habit. “Since you need to Snap with someone daily to maintain a Snapstreak, there is potential pressure to continuously use the app.”¹⁰⁶

272. As Snap’s internal documents and communications confirm, Snapstreaks contribute to feelings of teen social pressure and anxiety when users lose or break a Streak. Researchers have found that losing a Streak can cause feelings of betrayal for some users,

¹⁰⁵ See Cathy Becker, *Experts warn parents how Snapchat can hook in teens with streaks*, ABC News, (July 27, 2017); Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you in and get you ‘addicted’*, Bus. Insider, (Feb. 17, 2018); see generally Virginia Smart & Tyana Grundig, *‘We’re designing minds’: Industry insider reveals secrets of addictive app trade*, CBC, (Nov. 3, 2017); Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice, (May 17, 2017).

¹⁰⁶ *Is Snapchat safe for kids?: What parents need to know*, Greenlight, (Feb. 20, 2024), <https://greenlight.com/learning-center/family-safety/is-snapchat-safe-for-kids>.

especially girls, who reported “negative” feelings when losing a Streak with one of their friends.¹⁰⁷

273. In January 2017, an internal email titled “**Snapstreak distribution first look**” highlighted several comments from Snap employees concerning Snapstreaks:

- Wow, we should have more addicting features like this.
- Think it would be interesting to investigate how healthy Snapstreak sessions are for users... If I open Snapchat, take a photo of the ceiling to keep my streaks going and don't engage with the rest of the app, is that the type of behavior we want to encourage? Alternatively, if we find that streaks are addictive or a gateway to already deep engagement with other parts of Snapchat, then it would be something positive for "healthy" long term retention and engagement in the product.
- 70% of our DAU visit the app every day, but only 22% have streaks going.
- Most streakers are our core demographic.
- We should answer, at the highest level, whether streaks are a by-product of high engagement or a driver of it. My hunch is that it starts off being the former, but eventually becomes the latter - and we should figure out when that magical transition point occurs.
- I'd dive deeper into why most (70%) of L7's *don't* have streaks - it's the biggest opportunity of improvement (assuming driving streaks is something we all care about) and I'm curious to hear where it's breaking down.

274. Despite express recognition of the harmful effects of Snapstreaks, Snap was acutely aware that its core demographic viewed “streaks” as an important measuring stick. As noted in an internal August 2018 “Streaks User Research” survey for Snap users aged 13-24, “Although Streaks are viewed as an easy and quick form of communication, users place a high value on them. There seems to be a correlation between importance and the Streak number, the higher the number the more important that Streak is.”

¹⁰⁷ Hristoya et al., *Why did we lose our snapchat streak? Social media gamification and metacommunication*, *Computers in Human Behavior Reports*, 5, 100172 (2022).

275. The high value adolescents place on Snap Streaks is evidenced in their responses provided to Snap researchers:



276. A December 2018 presentation titled, "Understanding the Consumer and Snapchat Discover," outlined findings from online surveys and focus groups. The summary noted, "**Streaks have become pressure-filled...**" and included data on users' fear of missing out (FOMO):

DON'T WANT TO MISS A THING:

- As the true digital natives, Gen Zs see their mobile devices as an extension of themselves, and while this allows constant access, it also creates constant pressure. There is never a break from the very real FOMO that exists.
- Respondents in groups and via social media diaries expressed that if they're not constantly checking social media they felt they were "missing" things (content, communications from friends, news, etc.).
 - 45% of Snapchat Users 13-17 use Snapchat "almost constantly"
 - 41% of Snapchat Users 13-17 use YouTube "almost constantly"
 - 34% of Snapchat Users 13-17 use Instagram "almost constantly"

277. Snap's internal research confirmed that streaks contributed to addictive, excessive and harmful use of the app. The presentation slide on smartphone habits for users aged 13-17 indicated that 53% of those users open Snapchat "first thing in the morning." Additionally, the presentation noted: "Gen Z teens (13-17) stressed the importance of streaks and even integrated the practice of sending them into their daily morning and nightly rituals."

278. In October 2019, a presentation acknowledged that “Streaks make it impossible to unplug for even a day” and that “Maintaining Streaks and keeping up with conversations . . . causes pressure,” which, heightened by notifications, can be stressful: (Fig. 42)

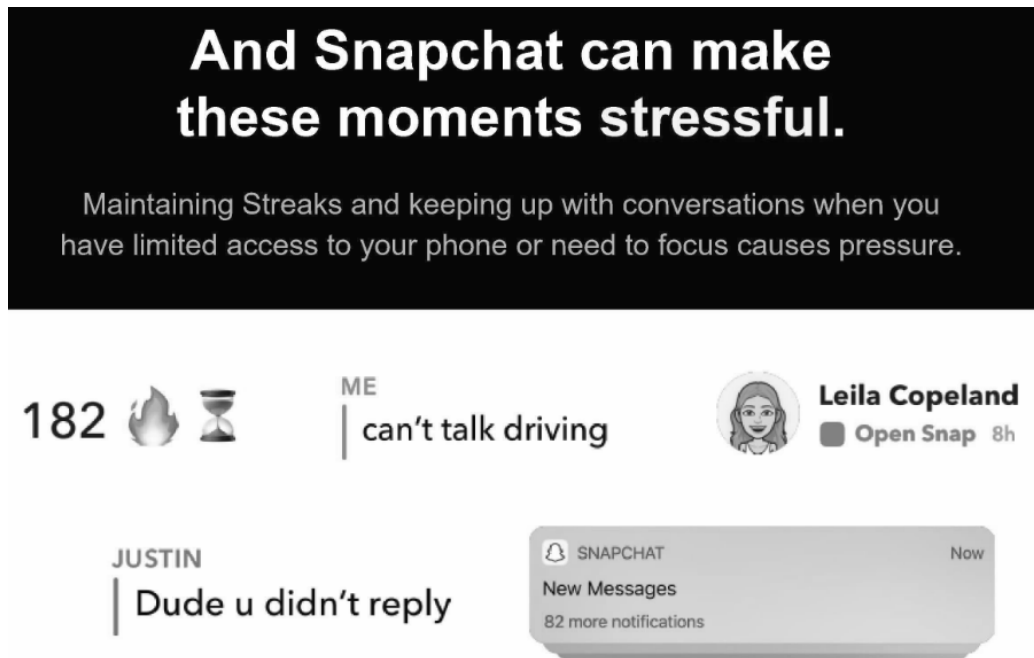


Figure 42

279. In October 2021, U.S. Senator Blumenthal questioned Snap regarding the “impact Snapstreaks ha[d] on the mental health of children” and noted:

Snapstreaks are one of the most popular features on Snapchat. Teens have spoken about how Snap streaks are seen as proof of friendships, and they will go as far as waking up early, staying up late, or logging in to friends’ accounts so they can keep up their streaks. It would appear that the purpose of this feature is to encourage teens to open Snapchat every day and send photos or videos – or else they risk their friendship.

280. In a written response to Senator Blumenthal, Snap acknowledged that six percent of users indicated Streaks were a “significant source of stress.” Further, Snap asserted that it had not “studied the impact Snapstreaks ha[d] on the mental health of children nor ha[d] [it] conducted research specifically measuring the addictiveness of [its] features.”

281. In June 2021 Amanda Kloer from Parents Together sent an email to Snap, stating,

Several of our members have recently expressed concern about their kids' overuse of or addiction to tech, and Snap streaks in particular have come up a lot. Multiple parents have reported having violent arguments with their kids when the parents suggest a break from their phone and the kid wants to keep their streak going. Others have said their kids are giving their account information to friends to keep streaks alive if they're on vacation without cell service. One mom even shared that her daughter spends hours a day snapping pictures of their ceiling just to keep her streaks going.

282. Snap's internal conversations included a report from a 17-year-old who said that Streaks drove him to feel a need to check his phone every hour.

283. Yet despite all this internal research and external confirmation of the harm and addictive nature of streaks, Snap continues to employ them to this day. Moreover, Snap displays streaks in a manner that seemingly amplifies the social harm to its users. Although streaks are theoretically visible only to the streak participants, Snap has enabled a feature that permits young users to publicly post their streaks and make them visible to additional users, thereby amplifying harm from social comparisons among vulnerable youth.

284. Further monetizing the addictive nature of Snap's Streak, the company launched "Restore a Streak" globally on May 5, 2023. Streak Restore would "allow users to restore recently expired streaks, in-app, through an in-app purchase." On March 1, 2023, Snap placed an exclusive story in the web publication *Mashable* pre-announcing that all Snapchatters would soon get one free lifetime streak restore (in light of World Teen Mental Wellness Day). However, if regular users wanted to prevent more Snapstreaks from going to waste, they would have to buy more Restores from the app for \$1 each in the U.S.¹⁰⁸

¹⁰⁸ Mariella Moon, *Snapchat's latest feature helps you maintain your streaks if you miss one*, Engadget (Mar 2, 2023), <https://www.engadget.com/snapchat-streak-restore-095639485.html>.

285. By the end of June 2023, the Messaging Team’s #1 priority was to provide Snapchat+ subscribers with one free restore per month, “improving Snapchat+ retention and upselling non-subscribers.” By June 6, 2023, the Messaging Team had expanded eligibility for Restores to Streaks 3-days or longer, projected to increase their paid restore revenue by 20%, according to an internal company email. Within three months of launching Streak Restore, Snap earned approximately [REDACTED] and had reached about [REDACTED] of revenue per day from the feature. The Streak Restore feature exists to this day, allowing Snap’s profits to increase while young users suffer the consequences of the addictive nature of the Streak feature.

E. Trophies & Charms

286. “Trophies” were emojis awarded for achieving engagement milestones or performing certain activities, such as increasing one’s Snapscore, sending creative Snaps, or posting a live story. A user’s Trophies were displayed in a “trophy box” viewable by their friends. In 2020, Snap replaced “Trophies” with “Charms.” The more users interact with one another, the more Charms they unlock. Charms are private and viewable only by users’ mutual contacts. For example, if two users exchange frequent Snaps, they may unlock a “BFF (Best Friends Forever)” Charm. On the other hand, for users who exchange Snaps infrequently, the “It’s Been a Minute” Charm may pop up to prompt interaction. This feature encourages higher youth user engagement, exacerbating addiction, over-use, and social-comparison harms.

F. Spotlight

287. In November 2020, Snapchat added its “Spotlight” feature. This tool promotes viral videos from the Snapchat community, similar to TikTok.¹⁰⁹ Spotlight allows users to make videos that anyone can view, and to encourage continuous engagement with this feature, Snap gives large

¹⁰⁹ Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC (Nov. 23, 2020).

cash prizes to challenge participants whose content videos go viral and receive the most views.¹¹⁰

288. After Snap introduced Spotlight, user time spent on the product increased by over 200%.¹¹¹ “Spotlight creators can utilize content creation tools to reach millions of Snapchatters and build their businesses through various monetization opportunities. Snap’s Creator Marketplace connects both Augmented Reality and Spotlight creators directly with its advertising partners.”¹¹² In February 2022, Snap CEO told investors that users were spending more time on Spotlight than almost any other aspect of Snapchat.¹¹³

289. In addition to its addictive traits, Spotlight also was another avenue for suggestive content for underage users. In October 2021, an internal email noted that “Currently this type of [suggestive] content equates to ~5% of Spotlight Story views for 13–17-year-olds globally.”

G. Snapchat + Solar System Friend Ranking and “Extended Best Friends List”

290. A March 2024 Wall Street Journal article described Snapchat’s new “Friend-Ranking” feature adding to teen anxiety.¹¹⁴ “A Snapchat feature lets paying users see their position in their friends’ digital orbits. For some teens, whose friends are everything, it’s adding to their anxiety.” “Like other social-media features, Snapchat’s solar system was created to get people to engage more with the app. And while it can be turned off, it’s on by default.”

291. With Snapchat+, the app’s paid subscription service, subscribers can see where they rank with a particular friend based on how often that friend communicates with them. The result is shown with solar-system graphics and references: “Are you Mercury, the planet closest to your friend? Great! Uranus? Bad sign.”

¹¹⁰ Snap paid over \$250 million in cash prizes to Spotlight Challenge participants in 2021 alone.

¹¹¹ *Snap Q4 Earnings Beat Estimates, User Growth Aids Top Line*, Zacks Equity Research (Feb. 4, 2021).

¹¹² Snap Inc. Annual Report (Form 10-K) at 10 (Feb. 7, 2024).

¹¹³ Mia Sato, *Snapchat will put ads within stories and share the money with creators*, The Verge, (Feb. 14, 2022).

¹¹⁴ Julie Jargon, *Snapchat’s Friend-Ranking Feature Adds to Teen Anxiety*, Wall Street Journal, (Mar. 30, 2024).

292. Moreover, the paid service includes an “Extended Best Friends List,” which doubles the size of an unpaid users’ “Best Friends List.” This “feature” puts more pressure on Snapchat users to communicate by displaying a larger set of “best friends” with whom they must frequently interact. Users will likely use the app more to continue appearing on their friends’ lists and maintain their appearances.

293. According to the Wall Street Journal: “It’s everyone’s biggest fear put onto an app...”; and “[r]anking is never good for anyone’s head.” A 20-year-old user explained, “Snapchat’s solar system reminds her of the app’s old days, when anyone could see who their friends’ top three friends were – and whether they made the list...she saw many relationships implode over that publicly visible disclosure.” While Snap discontinued that feature almost a decade ago, Snapchat+ has now revived it.

294. Snapchat issued a statement, “The company has no plans to turn off the feature, but the spokeswoman says it is always open to feedback. ‘We always prioritize our community’s well-being,’ she says, adding that the majority of the seven million Snapchat+ subscribers worldwide are over 18.”

XI. SNAP’S PRODUCT DESIGN CHOICES CAUSED MENTAL HEALTH HARM TO YOUNG USERS, INCLUDING USERS IN NEW MEXICO

295. The design of Snap’s platform and its decisions to implement features in order to maximize teen engagement and profits (or not to implement features that would have prioritized safety and wellbeing but decreased engagement and profits) caused real and lasting harm to young users, including young users in New Mexico.

296. In May 2023, the Surgeon General of the United States issued an advisory entitled “Social Media and Youth Mental Health” that summarized findings concerning the devastating impacts of social media use and noting “increasing concerns among researchers, parents and

caregivers, young people, healthcare experts, and others about the impact of social media on youth mental health.”¹¹⁵ While noting benefits from social media use, the advisory warned “that adolescents who spent more than 3 hours per day on social media faced double the risk of experiencing poor mental health outcomes including symptoms of depression and anxiety.”¹¹⁶ The Surgeon General further explained that studies on “college-aged youth” had shown “sizable effects,” including stark increases in depression and anxiety, and “raise serious concerns about the risk of harm from social media exposure for children and adolescents who are at a more vulnerable stage of brain development.”¹¹⁷

297. The Surgeon General’s concerns were not limited merely to time spent on social media platforms. The advisory warned that “[e]xtreme, inappropriate, and harmful content continues to be easily and widely accessible by children and adolescents,” and noted studies finding that “discussing or showing this content can normalize such behaviors, including through the formation of suicide pacts and posting of self-harm models for others to show.”¹¹⁸ The Surgeon General further cited studies “demonstrat[ing] a significant relationship between social media use and body image concerns and eating disorders, with social comparison as a potential contributing factor.”¹¹⁹

298. The Surgeon General confirmed that “[e]xcessive and problematic use of social media can harm children and adolescents by disrupting important healthy behaviors” and warned that product features, like those implemented by Snap, “designed to maximize user engagement . . . [have] the potential to encourage excessive use and behavioral dysregulation [typically referring

¹¹⁵ Advisory, <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> at 4 (last visited Dec. 1, 2023).

¹¹⁶ *Id.* at 6.

¹¹⁷ *Id.* at 7.

¹¹⁸ *Id.* at 8.

¹¹⁹ *Id.*

to anxiety, depression, suicidal thoughts, self-harm, and other self-damaging behaviors].”¹²⁰ The Surgeon General also relayed statistics indicating that “one-third or more” of the youngest users (girls aged 11 to 15) “say they feel ‘addicted’ to a social media platform.”¹²¹

299. A systematic study of research papers printed in 2020 validated much of the Surgeon General’s analysis, concluding that “[s]ocial media are responsible for aggravating mental health problems” and finding “a general association between social media use and mental health issues.”¹²² The review noted links between increased usage of social media and “anxiety and depression,” including among teens, who “experience anxiety from social media related to fear of loss, which causes teens to try to respond and check all their friends’ messages . . . on a regular basis.”¹²³

300. Another study found that “engagement with photo-based social media sites, such as Instagram, is associated with poor body image.”¹²⁴ That study assessed social media behaviors, including “avoidance of posting selfies, photo investment, photo manipulation, and investment in others’ selfies” and found that each behavior “was associated with greater likelihood” of suffering from eating disorders,¹²⁵ which can also lead to other health consequences, such as gastrointestinal illnesses, impacts to the endocrine and cardiovascular systems, bone or gray matter brain loss or atrophy, and fertility issues.¹²⁶

¹²⁰ *Id.* at 9.

¹²¹ *Id.*

¹²² <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364393/> (last visited Dec. 1, 2023).

¹²³ *Id.*

¹²⁴ <https://onlinelibrary.wiley.com/doi/epdf/10.1002/eat.23256> (last visited Dec. 1, 2023).

¹²⁵ *Id.*

¹²⁶ *See, e.g.*, Anorexia Nervosa, Cleveland Clinic

<https://my.clevelandclinic.org/health/diseases/9794-anorexia-nervosa#outlook--prognosis>; Bulimia Nervosa; Cleveland Clinic <https://my.clevelandclinic.org/health/diseases/9795-bulimia-nervosa#symptoms-and-causes> (last visited Dec. 1, 2023).

301. Indeed, as early as 2014, a study entitled “NetTweens: The Internet and Body Image Concerns in Preteenage Girls” concluded that “[t]ime spent on . . . social networking sites produced stronger correlations with body image concern than did overall Internet exposure” and that “the Internet represents a potent sociocultural force among preteenage girls.”¹²⁷ A 2018 open letter to Meta CEO Mark Zuckerberg signed by 118 public health advocates cited this study and others in concluding that “a growing body of research demonstrates that excessive use of digital devices and social media is harmful to children and teens.”¹²⁸

302. Research has linked excessive social media use with sleep disturbance, which is particularly a problem among teens and adolescents and can result in “a range of poor health outcomes,” including adverse effects on “cognitive performance, mood, immune function, cardiovascular risk, weight, and metabolism.”¹²⁹ The researchers found “consistent, substantial, and progressive associations between [social media] use and sleep disturbance” among young adults, a finding likely equally applicable to teens and adolescents.¹³⁰

303. Statistics from the CDC’s “Youth Risk Behavior Survey” confirm that the rise in social media use among teenagers and adolescents corresponds with a decline in youth mental health. According to the survey, “[i]n 2021, 42% of high school students felt so sad or hopeless almost every day for at least two weeks in a row that they stopped doing their usual activities.” The percentage of female high school students who reported feeling “persistent feelings of sadness or hopelessness” increased from 36% in 2011 to 57% in 2021. Twenty-nine percent of all respondents and 41% of female respondents reported experiencing “poor mental health” in the past

¹²⁷ <https://journals.sagepub.com/doi/epub/10.1177/0272431613501083> (last visited Dec. 1, 2023).

¹²⁸ <https://fairplayforkids.org/wp-content/uploads/archive/devel-generate/gaw/FBMessengerKids.pdf> (last visited Dec. 1, 2023).

¹²⁹ <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025> (last visited Dec. 1, 2023).

¹³⁰ *Id.*

30 days. And the survey reported that 30% of female high school students had “seriously considered attempting suicide” during the past year, an increase from only 19% 10 years earlier.

304. A 2019 study of nearly 7,000 adolescents found that “adolescent social media use was prospectively associated with increased risk of” adverse mental health characteristics. The study found that “Adolescents who engage in high levels of social media use may experience poorer quality sleep” and that increased social media use could be associated with an increased risk of “cyberbullying, which has a strong association with depressive symptoms.” Further, the study noted “negative body image,” “anxiety” and “depression” as connected to social media use.¹³¹

305. On June 17, 2024, the Surgeon General reiterated his concerns in an essay in the New York Times entitled: “Surgeon General: Why I’m Calling for a Warning Label on Social Media Platforms.” The Surgeon General announced his opinion, based upon research, that “[i]t is time to require a surgeon general’s warning label on social media platforms, stating that social media is associated with significant mental health harms for adolescents.” The importance of a warning label was underscored by the nature of social media platforms like Snapchat: “There is no seatbelts for parents to click, no helmet to snap in place, no assurance that trusted experts have investigated and ensured that these platforms are safe for our kids.” And the Surgeon General shared anecdotal evidence confirming that children’s experiences with social media included: “the endless comparison with other people that shredded their self-esteem, the feeling of being addicted and unable to set limits and the difficulty having real conversations on platforms that too often

¹³¹ Kira Riehm et al., *Associations between time spent using social media and internalizing and externalizing problems among US youth*, 76(12) JAMA Psychiatry (2019), <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2749480>(last visited (Dec. 1, 2023).

fostered outrage and bullying.” All these harmful effects—and more—are associated with Snapchat.

306. The harms described in the Surgeon General’s advisory and essay and the representative research cited above are not limited to a particular geography. They occur nationwide, including in New Mexico.

307. Moreover, the Surgeon General’s advisory and public research is consistent with years of internal Snap research chronicling harm to young users arising from the design of Snap’s platform, much of which is described in the preceding paragraphs. While Snap promised to safeguard the health and safety of children on its platform (and to keep the youngest users offline), at every turn, it made decisions that put its own profits ahead of their well-being.

308. The Surgeon General’s findings apply with equal force to Snap, especially in the areas described below.

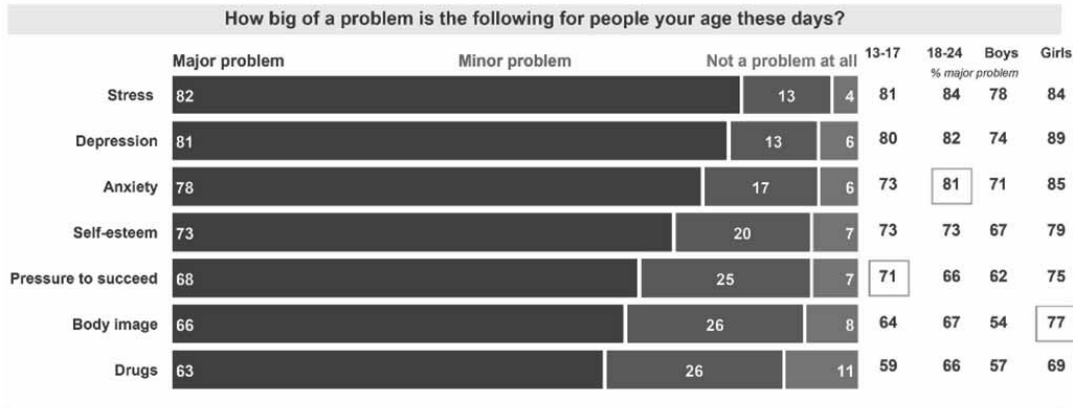
A. Stress, Anxiety, Depression, Suicidal Thoughts, and Eating Disorders

309. On October 19, 2021, Snap CEO Evan Spiegel said that regulation is not a substitute for the moral responsibility that social media companies have over the content shared on their services. “The important point to make is that regulation is not a substitute for moral responsibility and for business practices that support the health and well-being of your community,” said Spiegel, speaking at the Wall Street Journal Live Conference.

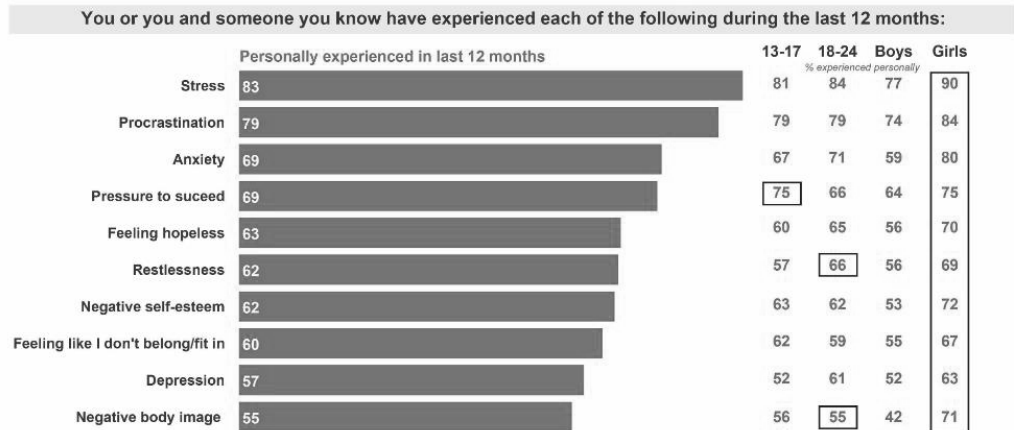
310. However, contrary to Spiegel’s public statement, internal documents show Snap was aware of the negative impact on the health and well-being of its users but ignored its “moral responsibility” to address those impacts. A February 12, 2020 research study, “Connecting with Young People on Mental Health & Wellbeing Research Findings,” prepared by Global Strategy Group for Snapchat, was a study divided into 3 separate phases. Only Phase 2, which consisted of

two, 3-day nationwide discussion boards, focused only on Snapchat users (teens 13-17 and young adults 18-24). Phase 1 focused on six focus groups divided by race/age (teens – 13-17 and young adults 18-24) and Phase 3 was a national survey among teens/young adults. Excerpts: (Fig. 43)

Stress, depression, and anxiety are seen as the most pressing issues. Young women and girls see these issues as particularly serious.



These are very personal issues that have touched many young people's lives. Stress and anxiety are incredibly common, particularly among young people 18-24.

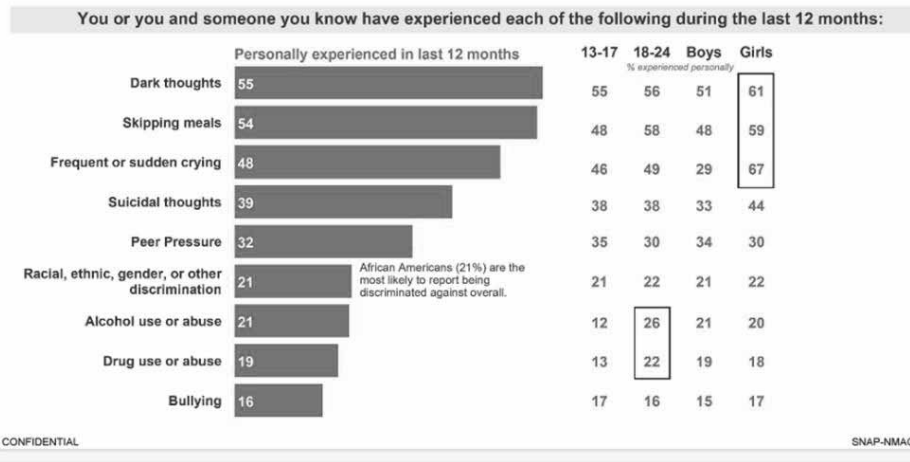


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More than half of young people report having dark thoughts and nearly 4 in 10 have had suicidal thoughts in the last 12 months.



Young people want to see Snapchat address depression, anxiety, and suicidal feelings. Body image is a top priority among young women.

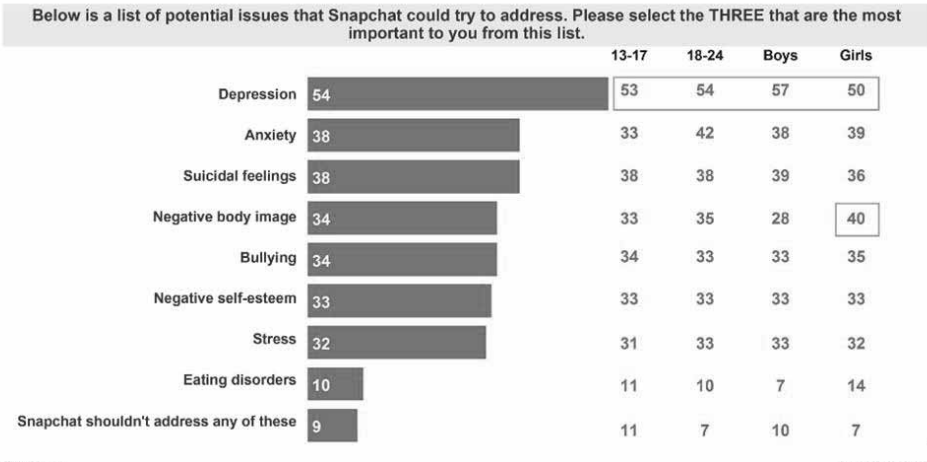


Figure 43

311. In February 2022, a Snap communications executive noted, “As most of you know, **we haven't done direct research into how our community is experiencing mental health since late 2019**, and it would be great to get a better sense of what the issues are that they are struggling with most.”

B. Self-Harm & Suicide

312. In early 2020, Snap surveyed and interviewed students aged 13-24 relating to wellness. An internal presentation highlighted the fact that Snap’s wellness resources were lacking:

- a. “I’m still a kid so I don’t know everything so it would be helpful to have [wellness resources] for a friend when you know that they’re suicidal and you know that you can help them.”
- b. Snap admits that its reporting flow for suicide ideation is “not great” (i.e., nothing on profile report, no option in settings, nothing obvious on support site, etc.).
- c. “Would probably Google first, Snapchat doesn’t make sense.”
- d. “Teens turn to Team Snapchat because they feel they have a relationship with it... yet we often don’t reply and those replies can be broken.”
- e. “At the moment, TC responses are patchy and the information we provide (using the “suggested articles” framework) often provides broken links.” (Fig. 44)



Figure 44

313. In January 2022, Snap was sued by a mother of an 11-year-old suicide victim. Her daughter struggled for years after excessive use on social media platforms, which she believed caused her daughter to “suffer from depression, lack of sleep, eating disorders and self-harm before leading to her suicide. It also caused school absenteeism.”

314. In 2017, a clinician reached out to Snap, prompting an internal report that children were “using ‘streaks’ to share self harm snaps daily.”

315. In March 2022, the National Association of Attorneys General cited a study from Bark, which analyzed 3.4 billion messages in 2021 across 30 apps (including Snap and TikTok) to find that 74.6% of teens were involved in a self-harm/suicidal situation.¹³²

316. In August 2022, Snapchat circulated research findings from the Digital Well-Being Index, discussed above, which included a survey that was conducted across six countries (including the US), 9,003 interviews, and three audiences (Gen Z Teens 13 – 17; Gen Z Adults 18 – 24; and Parents of 13 – 19-year-olds). The results demonstrated, “One in seven Gen Zers had thoughts of Self-harm,” and “49% followed through on their thoughts to commit self-harm.” Additionally, “Teens (57%) were more likely to follow-through on thoughts of self-harm than Gen Z adults (44%).”

C. Bullying & Harassment

317. Given Snapchat’s disappearing messages and popularity with minors, the platform serves as a hub for cyberbullying and harassment – with bullies having little to no fear of consequences. In a February 2022 “In-App Reporting Research” deck by Snap’s consultant, they found, “cyberbullying, both anonymous and from known contacts, was a commonly cited

¹³² *State attorneys want TikTok and Snap to support third-party parental control apps*, TechCrunch (Mar. 30, 2022). <https://techcrunch.com/2022/03/30/tiktok-snapchat-parental-controls-attorneys-general/>.

problem... Disappearing messages can embolden bullies to harass people with less fear of consequence.”

318. Bullying and harassment are commonplace on the platform, with Snap turning a blind eye to the harm of its adolescent users, including those in New Mexico.

319. For example, in September 2017, two high school students from Albuquerque, New Mexico were suspended after a bullying incident stemming from a racist image posted on Snapchat.

320. In January 2019, two New Mexico teens (ages 14 & 15) were found dead weeks after authorities were notified of a video circulating on Snapchat that appeared to show the pair being beaten. One boy was reported missing before Christmas by his mother after she heard about a Snapchat video and picture showing her son and the other boy being beaten and having “what appeared to be broken bones,” according to Crime Stoppers.

321. Instead of trying to curtail the harm of bullying and harassment on its platform, Snap decided to add additional features that would exacerbate it. Launched in May 2019, YOLO (which stands for the phrase “You Only Live Once”), was an anonymous messaging app designed to integrate as an add-on to Snapchat through SnapKit, and allowing users to receive anonymous messages from their Snapchat friends. YOLO users could reply to the comment or answer the question on their Snapchat story, along with a photo. The messages were shown as sent by “Someone,” and there was not a way to identify who senders were unless they chose to reveal themselves privately to the recipient, making it an ideal tool for bullying and harassment. By June 2019, the app had been downloaded over 5 million times.

322. Snap integrated YOLO despite facially dangerous features and almost immediate concerns from parents, advocacy groups, teenage users, and law enforcement regarding harmful

content. A 2019 internal Snap Community Support Training Update highlighted the onslaught of complaints:

- “I used the yolo app for anonymous comments that was connected to my snapchat and someone said a not so nice comment to me and I want to know who said it. Could you reveal the usernames to me?”
- “This person has used YOLO and is getting severely bullied and harassed over it I would like to know if you are able to find out who is sending this so we can put this to a stop.”
- “People have been sending me abusive messages on yolo as anonymous messages and I wondered if there was a way in which I could find out who those people are.”
- “My question is about your app YOLO. I have sent them an email about cyber bullying I have experienced, and they have not yet replied. I need the messages that I have deleted back so I can make a report to my school...”
- “Someone is spreading my number on people’s YOLO, and I don’t even have any social media so I’m not the one doing it, they are also saying things about me on people’s YOLO...”
- “This girl said some very cruel things to me on the app YOLO...”

323. In a letter to Snap’s CEO, an unnamed teen recounted how she initially downloaded YOLO to fit in but quickly observed widespread bullying on the platform, reminiscent of her own past experiences. She emphasized the devastating impact cyberbullying can have, particularly when it's anonymous and pervasive. According to the teen’s survey, among 81 students at her school, 71 reported experiencing bullying through YOLO. She also quoted cyberbullying statistics from the Cyberbullying Research Center indicating that 24.9% of cyberbullying cases involve

mean or hurtful comments posted online. “I was baffled that Snapchat continued to use this program even after seeing that multiple people were being bullied anonymously,” she stated.

324. In June 2020, 16-year-old Carson Bride “took his own life after enduring months of anonymous bullying via the YOLO app on Snapchat. The messages contained sexual comments and taunts, causing him severe distress. The app's design prevented him from identifying the bullies and attempts to seek help were unsuccessful. If he replied to the taunts, YOLO would automatically make the original messages public, thereby further humiliating him to the world. Carson's mother, Kristin Bride, filed a federal lawsuit against Snap, YOLO, and LMK, alleging they had violated consumer protection laws by failing to enforce their own terms of service and by allowing features that facilitated bullying.

325. For years, Snap knew or should have known the harm this integrated feature was causing its adolescent users but only acted when sued and deliberately misled consumers. Snap suspended YOLO on March 11, 2021, one day after the filing of Bride’s lawsuit, and did not fully ban YOLO until a year later in March 2022.

D. Body Comparison, Dysmorphia & Eating Disorders

326. Features implemented by Snapchat, primarily the addition of Snap Lenses, have exacerbated teen mental health issues related to unhealthy body comparisons, body dysmorphia, and eating disorders by permitting edited images that portray users in a manner that is naturally unachievable.

327. In September 2015, Snapchat released their Lens feature, allowing users to edit their Snaps by applying filters with various effects.¹³³ An internal document titled “Lenses

¹³³ Alyson Shontell, *Snapchat is letting users pay \$.99 to replay disappearing snaps, and it just added a ‘lens’ feature to animate your selfies*, Business Insider, (Sep. 15, 2015), <https://www.businessinsider.com/snapchat-adds-lenses-and-paid-replays-2015-9>.

Taxonomy” contained a description of each filter, which included, *e.g.*, the ability to add freckles, makeup, or general face beautification. In 2017, Snapchat released the Lens Studio to the public, permitting anyone to build Lenses for Snapchat.¹³⁴ Snapchat’s Lens Studio, where users can create a Lens to submit for use on the platform, notes “all face templates utilize a very subtle Face Retouch effect enabled by default.”¹³⁵ Snapchat Lens Submission Guidelines indicate Lenses encouraging suicide, self-harm, or eating disorders are not permitted.¹³⁶

328. In March 2018, “Is “Snapchat Dysmorphia” a Real Issue?” was published.¹³⁷ The abstract noted:

It was observed that in early 2018, several newspapers raised a concern about the negative effects of social media applications, such as Snapchat and Instagram, on users related to the choice of plastic surgeries. Several plastic surgeons have shared their experiences whereby they encountered requests sounding similar to what a "filtered" Snapchat picture would look like, with one plastic surgeon even having a patient who actually produced a "filtered" image. There are several red flags to look out for in such patients, and proper management in those cases should include counseling and not plastic surgery.¹³⁸

329. An accompanying editorial noted:

While the term “Snapchat Dysmorphia” might be too early to be brought into play, the risk of these patients turning to Snapchat and Instagram filters as a source of inspiration for their desired plastic surgeries is a big issue. There are already some ongoing legal issues about the use of Snapchat in the operating room by some plastic surgeons but none currently involving any patients accusing Snapchat of giving them a false perception of themselves yet. The proper code of ethics among plastic surgeons should be respected and an early detection of associated symptoms in such patients might help provide them with the appropriate counseling and help they need.¹³⁹

¹³⁴ Introducing Lens Studio 5.0 Beta, <https://ar.snap.com/lens-studio-5.0-beta#:~:text=Lens%20Studio%20started%20as%20an,and%20released%20publicly%20in%202017>.

¹³⁵ Face Effects Overview, <https://docs.snap.com/lens-studio/references/guides/lens-features/tracking/face/face-effects-overview>.

¹³⁶ Submission Guidelines | Docs (snap.com).

¹³⁷ Kamleshun Ramphul and Stephanie Mejias, Is “Snapchat Dysmorphia” a Real Issue?,” *Cureus*, (Mar. 10, 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5933578/>.

¹³⁸ *Id.*

¹³⁹ *Id.*

330. An August 2018 T&S content moderator daily update included a link to a Boston University School of Medicine study/article re: “Snapchat dysmorphia,” described as “a new psychological danger for adolescents” in which people were “seeking plastic surgery to look like snapchat filters.” Lustig characterizes the disorder as “the risk of tomorrow's youth losing all touch with reality and spiraling into dog lens dystopia.”

331. In December 2019, Reuters reported:

U.S. study has suggested that teenagers who are active on social media may be more likely to exercise excessively, skip meals or develop other forms of disordered eating. Researchers surveyed 996 school children, aged 13 on average, about their use of 'social media' platforms including Snapchat. Compared to teens without any social media accounts, boys and girls on the platforms were more likely to report disordered eating behaviours. The frequency of these behaviours increased along with the number of social media accounts teens had. **The article notes that girls who used Snapchat were 39% more likely to report eating issues than girls who didn't use the platform.**

332. In 2021, an article was circulated in Snap’s daily news clips discussing how cosmetic surgeons have seen an influx of new requests stemming from social media.

“The new clientele is young. Most are women in their 20s. And they want to look like their edited photographs on Instagram and Snapchat. At least ten patients a week are asking for this. I don't recognize them when they come in because they look so different to the edited pictures they've sent previously by email,” says Dr Tijion Esho, a London Cosmetic Surgeon. “These images are hyper-exaggerated, very sculpted and completely unrealistic. People are chasing impossible, unachievable looks.”

333. In 2021, Snap circulated a New York Times news article which mentioned Snap Star Eugenia Cooney, who is dangerously anorexic. The article reported, “over 53,000 people signed a petition in January asking social media companies to remove her content.” Additionally, the New York Times reported, “On Snap, users often form group chats dedicated to privately

encouraging one another to pursue eating disorders. Some of the chats are focused on providing negative feedback, essentially bullying the participants about not fulfilling their diet goals.”

334. Yet, despite these internal findings, during the October 2021 Senate Hearing “Protecting Kids Online: Snapchat, TikTok, and YouTube”, on filter bubbles, Snap’s Vice President of Global Public policy, testified, that Snap uses algorithms “on a very small amount of content.” Stout also mentioned content re: unhealthy eating habits is unavailable, unmoderated content is not allowed, and the “here for you” feature steers users looking for harmful content to something better.

335. In an internal presentation on Snap’s “Here for You” user support feature for queries that indicate crisis, it noted, “44.86% viewing ‘Here for You’ content were as a result of searching trigger keywords (anorexia, thinspo, self harm, etc) [and] are in the 13-17 age group. 60.9% are female.”

336. A sample query count over a seven day period, showed well-being trigger keywords with 5,702 related to depression, 147 related to eating disorders and 2,754 related to self harm and suicide: (Fig. 45)

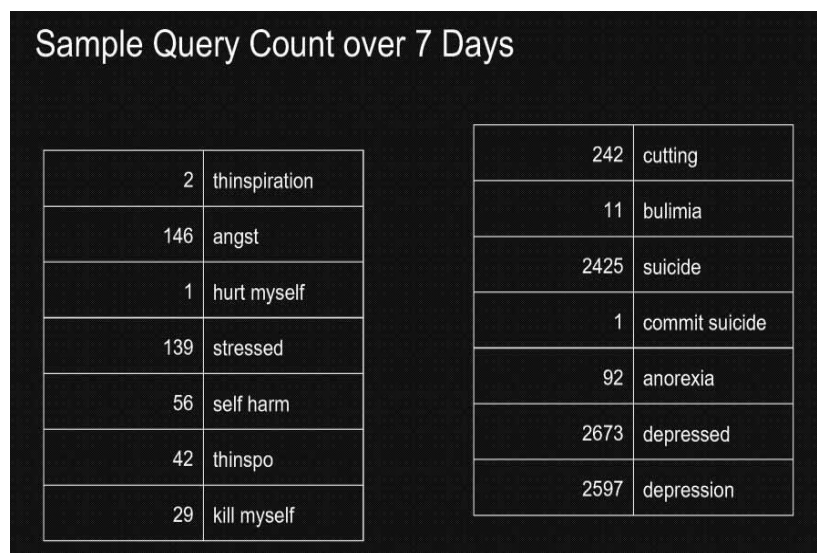


Figure 45

337. On August 10, 2023 U.S. Senator Mark Warner wrote to CEO Spiegel regarding “disturbing reports that Snap’s products openly provide users with dangerous advice that may encourage and exacerbate eating disorders.” The Senator sounded the alarm bell, noting, “the failure of your company to implement adequate safeguards to protect vulnerable individuals, especially teens and children, from well-established and foreseeable harms, is of grave concern and I urge you to quickly take steps to fix this glaring problem.”

338. Snap did not fix this glaring problem and, in fact, as described above, its My AI feature continues to fuel anorexia.

XII. SNAP’S FAILURE TO IMPLEMENT EFFECTIVE PARENTAL CONTROLS COMPOUNDED AND EXACERBATED THE HARM FROM ITS DESIGN CHOICES

339. Snap designed and operated Snapchat with inadequate parental controls.

340. From Snapchat’s launch in 2011 until August 2022, Snapchat had no parental controls even though its core user base was under the age of 18 and a significant number of those users were under the age of 13.

341. In August 2022, Snap introduced the “Family Center.” The features and processes offered through the Family Center are woefully inadequate to protect teen and pre-teen users, and require a parent or guardian to subscribe to Snapchat in order to utilize them. The Family Center allows a parent or guardian to install Snapchat on their phone and then link to the child’s account. The parent or guardian can then see who the child user is communicating with. However, the content of these communications remains hidden and still disappears after the allotted time. In addition, the Family Center does not allow a parent or guardian to block minors from sending private messages, control their child’s use or engagement with many of Snapchat’s product

features, control their child’s use of Snapchat’s geolocation feature, or control who their child may add to their friend list.

342. Discussion notes from a Safety Advisory Board meeting held in October 2022 mentioned several ongoing problems with the parental controls stating, “contact with non-friends who the teen messages back is not being reported via Family Center.”

343. Snap also failed to promote the Family Center or make it easily accessible—especially problematic given Snap’s knowledge of the prevalence of young users on its platform. Elsewhere, Snap acknowledged that “awareness of Family Center is low. Family center is extremely hard to find in the app. Only about 0.33% of teens have joined the Family Center.”

344. An undated internal Snap document highlighted the shortcomings of Snap’s “Family Center” features: “Family Center is extremely hard to find in the app, and we also have two major challenges when attempting to reach parents: 1) it’s difficult to know which of our ■ million +35-aged Snapchat users are parents of teens, and 2) it’s difficult to reach parents of our ■ million 13-17-aged Snapchat users, who they themselves, are NOT users of the app.”

345. In 2024, NCOSE submitted a statement in response to a Senate Judiciary Committee hearing with Meta, Snapchat, TikTok, X, and Discord, which identified examples of “multiple lies and excuses,” from the hearing, including: “Snapchat touted their Parent Center – yet only 2% of teens are connected ...”

XIII. SNAP MADE MISLEADING AND DECEPTIVE CLAIMS IN PUBLIC STATEMENTS THAT ITS PLATFORM WAS SAFE OR THAT IT WAS ADDRESSING PROBLEMATIC CONTENT

346. At the same time that it was implementing design decisions that effectively made its product *more harmful* to youth, Snap was publicly making misrepresentations and statements omitting material information designed to promote and increase usage of Snapchat by assuring

teens and their parents that Snapchat was safe and appropriate for children, failing to disclose the evidence of serious harms that it knew its young users suffered. Each of these statements and omissions painted a misleading and untrue picture of the safety of Snapchat and sought to minimize or misstate the volume of objectionable content and dangerous activity on Snap’s platforms.

347. Snap and its executives repeatedly made statements intended to reassure users, advertisers paying to reach those users, and parents that Snapchat was safe and that illegal content on Snapchat was minimal, or, if it does exist, is subject to prompt and effective action by Snap’s personnel and automated detection systems, including the following:

- a. In October 2021, Snap’s Vice President of Global Public Policy stated in written testimony to a Senate subcommittee that Snap takes “into account the unique sensitivities and considerations of minors when we design products.”¹⁴⁰ She claimed that Snap makes it hard for adult strangers to find minors. However, as more fully described herein, Snapchat’s “Quick Add” feature makes it very easy to connect minors to previously unknown adults.
- b. On January 19, 2022, Snapchat publicly announced that the accounts of 13–17-year-olds would no longer appear on the “Quick Add” friend feature, unless they had “a certain number of friends in common with that person.”¹⁴¹ Snap did not disclose how many common friends must be shared. Moreover, Snap failed to disclose that, because Snap does not know the actual age of many of its users, protections for children under 18 are largely meaningless.
- c. Snapchat spokeswoman Liz Markman says they designed My AI with safety in mind.¹⁴² Markman said, “My AI was programmed to abide by certain guidelines so the information it provides minimizes harm. This includes avoiding responses that are violent, hateful, sexually explicit, or otherwise offensive.”¹⁴³ As shown above, My AI was susceptible to providing such responses.
- d. In an early 2024 internal memo to employees, Snap’s CEO Spiegel touted, “We’re certainly far from perfect, but while our competitors are connecting pedophiles . . . we know that Snapchat makes people happy.”¹⁴⁴ Spiegel was publicly touting Snap as safer and “happier” than other platforms while

¹⁴⁰ Snap’s Senate Congressional Testimony - Our Approach to Safety, Privacy and Wellbeing.

¹⁴¹ *What this Week’s Snapchat Updates Mean for Human Trafficking Prevention*, PBJ Learning, (Jan. 21, 2022).

¹⁴² <https://www.washingtonpost.com/technology/2023/03/14/snapchat-myai/>.

¹⁴³ *Id.*

¹⁴⁴ <https://www.benzinga.com/news/24/01/36571122/snapchats-evan-spiegel-takes-shots-at-facebook-instagram-in-a-leaked-memo-social-media-is-dead>. (Benzinga Neuro, *Snapchat’s Evan Spiegel Takes Shots At Facebook, Instagram In A Leaked Memo: ‘Social Media Is Dead’*, Benzinga, (Jan. 10, 2024)).

knowingly allowing unknown adults to connect to children and facilitating sextortion, among other forms of child sexual exploitation, including of children in New Mexico.

348. Since at least 2021, Snap has repeatedly sought to portray itself as the “antidote to social media,” seeking to distance itself from the harms associated with other platforms. In February 2024, Snap’s chief creative and marketing officer Colleen DeCourcy stated in Marketing Week: “We’re not social media, we’re Snapchat.” But Snap’s internal research demonstrated that Snapchat users were prone to all of the same maladies attendant to other social media platforms, including proliferation and promotion of CSAM and illicit sexual content, and negative effects on young users’ well-being as a result of compulsive, addictive use of the platform.

349. Snap has made misrepresentations and material omissions in television advertising campaigns, including in its advertisement that aired during this year’s Super Bowl. Snap’s advertisements promote Snapchat as “Less social media. More Snapchat,” and displaying slogans intended to bolster that impression, such as “Less likes. More human,” “Less perfection. More Playful,” “Less public. More private,” “Less permanent. More free,” “Less trolls. More allies,” and “Less likes. More love.”¹⁴⁵ Snap’s services, in truth, and as is well known to Snap, are in many ways more harmful than other forms of social media, including by fostering negative mental health harms among young people and because the service was almost literally designed to addict young people and force them to repeatedly check the service in fear of “missing out” on Snap’s hallmark disappearing content.

350. As detailed in the FTC’s 2014 complaint against Snap, Snap promoted disappearing messages as a product feature, without adequately disclosing (1) that the messages could be readily saved by users employing third-party apps designed for that purpose or (2) that the recipient could

¹⁴⁵ <https://www.youtube.com/watch?v=YnFi5CNEsgw>

“screenshot” the message without notification to the sender. An internal June 2012 Snap security researcher had explicitly warned the company of the vulnerability to third-party apps, and the “screenshot” workaround was publicly known, according to the FTC’s complaint. The “screenshot” workaround persisted until at least 2017, without any accompanying Snap disclosure.

351. Snap’s Parent’s Guide blatantly deceived parents about the existence or efficacy of various safety features. As NCOSE found in August 2022, and as described in paragraphs 185-192 above, supposed default settings regarding requiring individuals to “opt-in” to friendships with over 18 users, or supposed “age-gating tools to prevent minors from viewing age-regulated content and ads” were largely ineffective at preventing display of offensive and sexually explicit material.

352. Snap’s Community Guidelines are similarly replete with misrepresentations or material omissions intended to reassure parents and users that Snapchat is safe and a positive influence on youth mental health and well-being, including, but not limited to:

- a. “Snap offers generative AI features through our services. We implement safeguards designed to help keep generative AI content in line with our Community Guidelines, and we expect Snapchatters to use AI responsibly.”
- b. “We prohibit any activity that involves sexual exploitation or abuse of a minor, including sharing child sexual exploitation or abuse imagery, grooming, or sexual extortion (sextortion), or the sexualization of children.”
- c. “We prohibit promoting, distributing, or sharing pornographic content, as well as commercial activities that relate to pornography or sexual interactions (whether online or offline).”
- d. “We prohibit bullying or harassment of any kind. This extends to all forms of sexual harassment, including sending unwanted sexually explicit, suggestive, or nude images to others.”
- e. “We don’t allow the glorification of self-harm, including the promotion of self-injury, suicide, or eating disorders.”

353. The misrepresentations and material omissions continue in Snap’s “Harassment & Bullying” Community Guidelines Explainer Series, available online:

- a. “As a baseline, our policies protect all members of our community from demeaning, defamatory, or discriminatory content and advances. Sharing private information or Snaps of people without their knowledge or consent is also prohibited.”
- b. “In addition to enforcing these policies consistently, we use our product design to help limit harmful behavior that may violate these rules. This includes default settings that require both friends to accept a connection before they can message each other, and providing notice to users when screenshots of private Snaps, messages, and profiles are taken.”

354. As detailed above, Snap was aware, but failed to warn users, parents, and the public of the risks and harms of Snapchat, including, but not limited to:

- a. That sextortion was a rampant, “massive,” and “incredibly concerning issue” on Snapchat;
- b. That Snap designed Snapchat to be addictive to young users;
- c. That excessive use of Snapchat (consistent with Snap’s design) could cause significant harm to mental well-being, especially among young users;
- d. That the “SnapMap” feature made young people vulnerable to discovery by predators;
- e. That Snap features, including “Quick Add” and “SnapMap,” would promote minors to unconnected adults and permit those adults to readily discover the minors, add them as connections, and converse freely without any parental notification or supervision over the discussion;
- f. That Snapchat lacked sufficient age verification mechanisms, and that, as a result, its ability to prevent access to illicit or illegal content was compromised;
- g. That Snap’s ephemeral messages contribute to the widespread distribution of CSAM and sexual exploitation of its adolescent users;
- h. That Snap’s ephemeral messages encourage compulsive use and are detrimental to youth well-being and mental health;
- i. That Snap’s lenses and filters have the propensity to harm youth well-being and mental health by encouraging and exacerbating body image issues;
- j. That Snap’s app was vulnerable to third-party apps that could be used to capture supposedly ephemeral or disappearing content without notice to the sender of such content;

- k. That Snap’s algorithm would recommend illicit, illegal and other sexualized material to minors;
- l. That Snap’s My AI feature could promote and was, in fact, promoting harmful, misleading, offensive and sexually inappropriate content to its underaged users;
- m. That Snapcash could be and was used to promote and facilitate illegal and illicit activities through Snap’s platform;
- n. That features such as notifications, trophies, charms, lenses, disappearing content, friend ranking and other design choices were harmful to youth and encouraged and facilitated addictive use of the platform; and
- o. That Snapchat’s features enabled it to be used as a marketplace for the illegal trade and sale of drugs and guns.

XIV. CAUSES OF ACTION

COUNT I VIOLATION OF NEW MEXICO UNFAIR PRACTICES ACT (UNFAIR OR DECEPTIVE TRADE PRACTICES) NMSA 1978, § 57-12-1 to -26

355. The State re-alleges all prior paragraphs of this Complaint as if fully set forth herein.

356. The Unfair Practices Act (“UPA”) prohibits “[u]nfair or deceptive trade practices and unconscionable trade practices in the conduct of any trade or commerce.” NMSA 1978, § 57-12-3 (1971).

357. Defendant is engaged in “trade” or “commerce” as defined by the UPA, which “includes the advertising, offering for sale or distribution of any services and any property and any other article, commodity or thing of value, including any trade or commerce directly or indirectly affecting the people of this state.” NMSA 1978, § 57-12-2(C) (2019). Defendant advertises, offers and distributes its internet platform within New Mexico and to New Mexico residents.

358. The UPA defines an “unfair or deceptive trade practice” as “a false or misleading oral or written statement, visual description, or other representation of any kind knowingly made in connection with the sale . . . of goods and services . . . in the regular course of the person’s trade or commerce, that may, tends to or does deceive or mislead any person.” Section 57-12-2(D).

359. The UPA provides an inclusive rather than exhaustive list of examples of unfair or deceptive trade practices. These include the following: “representing that goods or services are of a particular standard, quality or grade . . . if they are of another[;]” “making false or misleading statements of fact concerning the price of goods or services[;]” and “using exaggeration, innuendo or ambiguity as to a material fact or failing to state a material fact if doing so deceives or tends to deceive[.]” Section 57-12-2(D).

360. Snap does not require a monetary exchange from New Mexican consumers in order for them to use Snap platform and features, but Snap made representations about its platform in connection with the sale of goods and services. Specifically, Snap sells advertising to New Mexico companies and for display within New Mexico, and Snap increases its ad revenue by requiring consumers to agree to the use of their private data for targeted advertising. Snap collects its users’ data and then uses it to generate revenue.

361. Additionally, Snap charges and collects a monthly fee from select users, including, on information and belief, users in New Mexico for its “Snapchat+” service, which entitles users who have paid the fee access to all the regular features of Snapchat, plus access to additional features offered only to paying users.

362. In addition to offering, advertising, and distributing its social media platform in New Mexico, Snap thus receives revenue both for showing ads to New Mexico consumers and also for harvesting New Mexico consumers’ personal data, including information about their

activities and interests, to target advertising and thereby increase its revenue from selling ads. Snap's platform also facilitates the sale of goods and services, both through advertisements that Snap directs to New Mexico residents and within New Mexico in exchange for a fee. Moreover, Snap's platform itself facilitates the sale of goods and services, including, as alleged above, the sale of illegal firearms and drugs, by connecting willing buyers with willing sellers, and through Snap's "Snapcash" feature.

363. At all times relevant herein, the Defendant violated the UPA, NMSA 1978, §§ 57-12-1 to -26 (1967, as amended through 2019), by committing repeated and willful unfair or deceptive acts or practices in the conduct of commerce, both of which are violations of the UPA.

364. The Attorney General is authorized to bring an action in the name of the State to remedy violations of the UPA. NMSA 1978, §§ 57-12-8(A) (1978), 57-12-15 (1967). This action is proper in this Court because Defendant is using, has used, and continues to use practices that are unlawful under the UPA. Section 57-12-8(A).

365. Defendant's conduct, as alleged in the foregoing paragraphs, violated the UPA because Defendant knowingly made numerous false or misleading oral or written statements, visual descriptions, or other representations in connection with the sale of goods and services that had the capacity or tendency to, or actually did, deceive or mislead any person.

366. In numerous instances, Defendant's public statements and communications knowingly misrepresented, directly or indirectly, expressly or by implication, that its platform was not addictive, that it prioritized young users' well-being over profits, and that its platform was safe, while concealing and/or misrepresenting its internal knowledge that the frequency of harms and harmful material or conduct encountered by young users on its platform was far more pervasive than Defendant's public statements revealed.

367. Specifically, Defendant has willfully, knowingly, and repeatedly violated the UPA by engaging in multiple deceptive acts and practices that duped young users, their families, its own advertisers, and the public regarding the safety of its platform and Snap's efforts in prioritizing well-being. Defendant engaged in misrepresentations, omissions, and/or active concealment to advertisers, news media and the general public, including New Mexico children, that falsely and misleadingly asserted, *inter alia*, that:

- a. Defendant's social media platform is not designed to be addictive when it is so designed;
- b. Defendant's social media platform is "safer," "happier" or somehow different in kind or in mental health effects from other platforms, when it is not;
- c. Defendant's social media platform did not have adverse effects on youth mental health and well-being, or that its effects were somehow positive in relation to other social media outlets, when, in fact, Defendant's platform has significant and material detrimental effects on youth;
- d. Defendant's platform and design features, including the "My AI" feature, implemented "safeguards" to prevent display and dissemination of illicit or improper content, when, in fact, those safeguards were largely ineffective;
- e. Defendant's platform alerted users or displayed a warning when a recipient takes a screenshot of (or otherwise records) one of their Snaps, when, in fact, Snap had deceived users about the "disappearing nature" of their photos and that users employing third-party apps could save images secretly;

- f. Defendant took “into account the unique sensitivities and considerations of minors” when it designed its products, when, in fact, Snap often ignored such concerns;
- g. Defendant’s parental controls were effective at preventing or detecting illicit content or improper conduct, when Snap’s own research recognized such controls were not effective;
- h. Defendant’s platform did not connect minors with unconnected adults, when, in fact, such connections happen frequently and relatively seamlessly via Snap’s “Quick Add” feature;
- i. Defendant’s algorithms are designed to “tailor” an experience to a user, when in fact the algorithms are designed to increase usage and engagement on Snap’s platform;
- j. Defendant’s social media platform is safe for young users while concealing Snap’s internal research showing the high frequency at which young users experienced harms from their use of the platform or viewed content or encountered activities on its platform that Defendant had identified as harmful;
- k. Defendant prohibits or doesn’t tolerate illicit content on its platform, when, in fact, its platform promotes and supports dissemination of such content;
- l. Defendant’s protocols for preventing use of its platform by children under the age of 13 were adequate when, in fact, Defendant internally admitted its measures were little more than pretext and that children readily lied about their age in order to gain access to certain features of the platform.

368. Defendant failed to disclose the harmful effects, content, and activities on its platform, including as laid out below, which was misleading particularly in light of affirmative statements regarding the safety of its platform:

- a. Failed to disclose that Snap was designed to be addictive to young users, and that Snap's features were implemented in order to promote and continue compulsive use of the app;
- b. Failed to disclose that excessive use of Snap (consistent with Snap's design) could cause significant harm to mental well-being, especially among young users;
- c. Failed to disclose that the "SnapMap" feature made young people vulnerable to discovery by predators;
- d. Failed to disclose the risks of transmitting nude pictures or other illicit content or otherwise provide guidance that would have aided young users;
- e. Failed to disclose that, because Snap does not know the actual age of many of its users, protections for children under 18 are largely meaningless.
- f. Failed to disclose that Snap features, including "Quick Add" and "SnapMap," would promote minors to unconnected adults and permit those adults to readily discover the minors, add them as connections, and converse freely without any parental notification or supervision over the discussion;
- g. Failed to disclose that Snapchat lacked sufficient age verification mechanisms, and that, as a result, its ability to prevent access to illicit or illegal content was compromised;

- h. Failed to disclose that Snap's ephemeral messages contribute to the widespread distribution of CSAM and sexual exploitation of its adolescent users;
- i. Failed to disclose that Snap's ephemeral messages encourage compulsive use and are detrimental to youth well-being and mental health;
- j. Failed to disclose that Snap's lenses and filters have the propensity to harm youth well-being and mental health by encouraging and exacerbating body image issues;
- k. Failed to disclose that Snap's app was vulnerable to third-party apps that could be used to capture supposedly ephemeral or disappearing content without notice to the sender of such content;
- l. Failed to disclose that Snap's algorithm would recommend illicit, illegal and other sexualized material to minors;
- m. Failed to disclose that Snap's My AI feature could and was, in fact, promoting harmful, misleading, offensive and sexually inappropriate content to its underaged users;
- n. Failed to disclose that Snapcash could be and was used to promote and facilitate illegal and illicit activities through Snap's platform;
- o. Failed to disclose that features such as notifications, trophies, charms, lenses, disappearing content, friend ranking and other design choices were harmful to youth and encouraged and facilitated addictive use of the platform;
- p. Failed to disclose that Snapchat's features enabled it to be used as a marketplace for the illegal trade and sale of drugs and guns;

- q. Failed to disclose the incidence and risk of addiction, depression, anxiety, sleep deprivation, eating disorders, suicide, negative self-image and dysmorphia, and other self-harms associated with use of its platform by young users;
- r. Failed to disclose the incidence and risk of exposure to CSAM, sexually explicit and other inappropriate activity and content by young users, and the grooming, solicitation, and sexual advances of young users of its platform;
- s. Failed to disclose that Snap failed to adequately address the existence of sexually explicit conduct and activity and other self-harm or harmful content on its platform and connected young users to such dangerous content and users through its algorithms;
- t. Failed to disclose that its algorithms collect data in order to fuel young users' compulsive use of Snap's platform;
- u. Failed to disclose that it collects data in order to ensure users remain on its platform and in order to increase engagement with Snap's platform at all costs;
- v. Failed to disclose its knowledge that certain features of its platform, including, but not limited to, its algorithms, "streaks," "Snap Map," "Quick Add," the use of "infinite" or "ephemeral" content and its inclusion of image filters, had detrimental effects on the well-being of young users;
- w. Failed to disclose that Snap knew it had, and continued to establish, user accounts for children under 13 years of age, failed to screen those accounts from inappropriate and unlawful activity and conduct, and collected and used data from those children; and

- x. Failed to disclose that Snap continued features, such as streaks, notifications, recommended users, groups and accounts, and filters, despite knowledge of the harms these features posed to young users.

369. These statements and omissions were made to falsely reassure young users, their parents, and the public that Snap's platform was safe so that Snap could continue to attract, retain, and engage young users and thereby increase Snap's revenues, and have prevented consumers in New Mexico from taking steps to protect their health and well-being.

370. These statements and omissions were deceptive and misleading in that they, *inter alia*, conveyed a false impression that Snap's platform had characteristics and benefits that it did not; represented that Snap's platform was of a particular standard, quality or grade that it was not; and exaggerated, omitted, and created ambiguity as to facts that Snap recognized were material and that deceived or tended to deceive consumers.

371. Each deceptive act or practice engaged in by Defendant as recited above and throughout this Complaint constitutes a separate violation of the Unfair Practices Act.

372. New Mexico consumers and youth are suffering, have suffered, and will continue to suffer unjustified substantial injury as a result of Defendant's violations of New Mexico laws. Absent injunctive relief by this Court, Defendant is likely to continue to injure consumers and harm the public interest.

373. Plaintiff, State of New Mexico, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief, disgorgement of profits, all recoverable penalties under Section 57-12-11 including a civil penalty of \$5,000 per each violation named in this Court, attorney fees and costs, and pre- and post-judgment interest.

COUNT II
VIOLATION OF NEW MEXICO UNFAIR PRACTICES ACT
(UNFAIR TRADE PRACTICES)
NMSA 1978, § 57-12-1 to -26

374. The State re-alleges all prior paragraphs of this Complaint as if fully set forth herein.

375. The UPA prohibits “[u]nfair or deceptive trade practices and unconscionable trade practices in the conduct of any trade or commerce.” NMSA 1978, § 57-12-3 (1971).

376. Defendant is engaged in “trade” or “commerce” as defined by the UPA, which “includes the advertising, offering for sale or distribution of any services and any property and any other article, commodity or thing of value, including any trade or commerce directly or indirectly affecting the people of this state.” NMSA 1978, § 57-12-2(C) (2019). Defendant advertises, offers, and distributes its internet platform within New Mexico and to New Mexico residents.

377. Additionally, Snap charges and collects a monthly fee from select users, including, on information and belief, users in New Mexico for its “Snapchat+” service, which entitles users who have paid the fee access to all the regular features of Snapchat, plus access to additional features offered only to paying users.

378. In addition to offering, advertising, and distributing its social media platform in New Mexico, Snap receives revenue both for showing ads to New Mexico consumers and also for harvesting New Mexican consumers’ personal data, including information about their activities and interests, to target advertising, thereby increasing its revenue from selling ads. Snap’s platform also facilitates the sale of goods and services, through advertisements that Snap directs to New Mexico residents. Moreover, Snap’s platform itself facilitates the sale of goods and services, including, as alleged above, the sale of illegal firearms and drugs, by connecting willing buyers with willing sellers, and through Snap’s “Snapcash” feature.

379. At all times relevant herein, the Defendant violated the UPA, NMSA 1978, §§ 57-12-1 to -26 (1967, as amended through 2019), by committing repeated and willful unfair or deceptive acts or practices in the conduct of commerce, both of which are violations of the Act.

380. The Attorney General is authorized to bring an action in the name of the State to remedy violations of the UPA. NMSA 1978, §§ 57-12-8(A) (1978), -15 (1967). This action is proper in this Court because Defendant is using, has used, and continues to use practices that are unlawful under the UPA. Section 57-12-8(A).

381. Defendant's conduct, as alleged in the foregoing paragraphs, constitutes unconscionable trade practices because its acts and practices: (1) take advantage of the lack of knowledge, ability, experience or capacity of New Mexico consumers—especially children—to a grossly unfair degree; and (2) results in a gross disparity between the value received by the consumer and the price paid. Moreover, Defendant engaged in unfair acts and/or practices within the meaning of the UPA because its acts and practices are: (1) offensive to public policy as reflected in common-law, statutory, or other established expression of public policy; (2) immoral, unethical, oppressive, unscrupulous, and unconscionable; and/or (3) have caused unjustified, substantial injury to consumers that consumers themselves could not reasonably have avoided.

382. Defendant's conduct as described above constitutes unfair acts and/or practices within the meaning of the Unfair Practices Act because, as explained above, Defendant's acts and practices are coercive, exploitative, abusive, deceptive, and/or predatory. The conduct described above involves the intentional manipulation of youth behavior and the knowing disregard of illicit material distributed to and involving youths on Snap's platform. Additionally, Defendant's acts and practices tend to negatively affect competitive conditions by foreclosing or impairing the opportunities of market participants, limiting consumer choice and harming consumers.

383. Defendant’s acts and practices, including (i) Defendant’s repeated failure to act upon, inhibit, remove, or otherwise restrict access to illicit and/or illegal content constituting human trafficking and/or distribution or solicitation of CSAM, (ii) Defendant’s failure to design the platform to restrict such content, (iii) Defendants’ failure to implement effective parental controls, and (iv) Defendant’s failure to notify law enforcement authorities of suspicious activity involving Snap’s “Snapcash” feature are offensive to public policy, as defined by statute and common law.

384. Moreover, Defendant’s design of its platform to re-distribute and amplify CSAM and to facilitate connecting and monetizing networks of predators soliciting or distributing or seeking to distribute CSAM and/or engage in human trafficking is directly contrary to public policy that prohibits this trade.

385. The protection of minors and other New Mexico residents from the dangers of human trafficking and the associated mental and physical harm is a well-established objective underlying public policy. *See, e.g.*, NMSA 1978, § 30-52-1 (2008) (prohibiting human trafficking). The protection of minors and other New Mexico residents from the dangers of distribution or solicitation of CSAM and the associated mental and physical harm is a well-established objective underlying public policy. *See, e.g.*, NMSA 1978, §§ 30-6A-3(C) (2016) (prohibiting the distribution of CSAM), 30-37-3.2 (2007) (prohibiting “[c]hild solicitation by electronic communication device”); NMSA 1978, § 30-37-3.2 (2007) (prohibiting “soliciting a child under sixteen years of age, by means of an electronic communication device, to engage in sexual intercourse, sexual contact or in a sexual or obscene performance . . .”). Defendant’s acts and practices alleged herein—including Defendant’s failure to address illicit and illegal content and the users who distribute such content—therefore offend public policy.

386. Because Snap lacks and historically lacked effective age verification, Snap has obtained data from children under 13 years old in violation of public policy, because Snap failed to provide notice and seek consent from parents before it collected or used personal information from children. This constitutes an unfair practice under the UPA because the protection of children under the age of 13 from online abuse and the collection of their personal information is a well-established objective underlying public policy nationally and in New Mexico. To avoid any doubt, the State does not assert a claim pursuant to its authority to enforce the Children’s Online Privacy Protection Act (“COPPA”), but asserts instead that Snap’s practices with regard to children’s personal information constitute unfair practices under New Mexico law.

387. Defendant’s unfair and/or unconscionable practices are the results of design features of its platform, such as the operation of its design features in recommending users, groups and posts, the absence of effective age verification, the ephemeral nature of its messages, the lack of separation between adults and minors, and the failure to detect, remove, and report CSAM.

388. Defendant’s unfair and/or unconscionable practices include, but extend beyond, developing an illegal market for inherently unlawful activity involved in obtaining and selling CSAM and the commercial sexual exploitation of children. Defendant’s acts and practices to induce young users’ addictive and problematic use of its social media platform are also immoral, unethical, oppressive, unscrupulous, and unconscionable. As described in detail in the foregoing paragraphs, Defendant, at all relevant times, based on its own internal research, had knowledge of the severe harms suffered by young users as a result of human trafficking, CSAM, the addictive use of its platform and the role its platform played in exacerbating those harms. Instead of taking meaningful measures to mitigate these damaging effects, Defendant knowingly, deliberately, and recklessly disregarded and turned a blind eye to them in pursuit of profit. Further, Defendant’s

willful design and use of platform tools and features to target, prey on, exploit, and manipulate highly vulnerable young users is unconscionable. Defendant's failure to warn of the dangers of its design choices and platform tools and features is unconscionable. Defendant's implementation of flawed, difficult to find, and infrequently used parental controls is unconscionable.

389. As alleged above, despite knowledge of the prevalence of illicit and illegal content on its platform, and despite knowledge of the effects of excessive use of its platform on young users (to whom the platform was targeted), Snap failed to implement parental controls for years. And when Snap finally implemented such controls, those controls were hidden within the app, ineffective at protecting children and effective only if both the young user and the young user's parents were Snap customers. Thus, Snap's parental controls had little or no value to young users whose parents had not signed up for a separate Snap account.

390. Defendant's acts and practices alleged herein also have caused and continue to cause unjustified substantial injury to consumers that could not be reasonably avoided. Namely, young users throughout New Mexico are suffering severe negative effects from addictive use of Defendant's platform, including negative effects on sleep and school performance, emotional and behavioral challenges, poor mental health outcomes such as depression and anxiety, and negatively altered brain chemistry. Young users also could not have reasonably avoided the injuries resulting from Defendant's acts and practices, including because Defendant misrepresented and failed to disclose the dangerous nature of its social media platform, and because Defendant utilized psychologically manipulative engagement-inducing features, knowing that young users are especially vulnerable to those psychologically manipulative tactics due to their lack of knowledge, ability, experience, or capacity.

391. The public health and safety risks and harm resulting from use of Defendant's social media platform are not outweighed by any countervailing benefit to consumers or competition.

392. But for these unfair and unconscionable practices, New Mexico consumers would not have incurred millions of dollars in damages, including without limitation the costs of treatment for mental and emotional trauma resulting from Defendant's actions and/or inaction, damages related to suicide and self-harm inflicted by youth and adolescents in New Mexico, and the societal costs attendant to human trafficking and solicitation/distribution of CSAM.

393. As a direct and proximate cause of the Defendant's unfair and/or unconscionable trade practices, New Mexico and New Mexico consumers have been injured in an amount to be determined at trial.

394. Defendant's unfair and/or unconscionable trade practices are willful and subject to a \$5,000 civil penalty for each and every violation. NMSA 1978, § 57-12-11 (1970).

395. Each unfair act by Defendant and/or each exposure of a New Mexico resident to illicit, illegal, or harmful content on Defendant's platform resulting from the aforementioned conduct of Defendant constitutes a separate violation of the Unfair Practices Act.

396. New Mexico consumers and youth are suffering, have suffered, and will continue to suffer unjustified substantial injury as a result of Defendant's violations of New Mexico laws. Absent injunctive relief by this Court, Defendant is likely to continue to injure consumers and harm the public interest.

397. Plaintiff, State of New Mexico, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief, disgorgement of unjust profits, damages as allowed by law, all recoverable penalties under Section 57-12-11 including a civil penalty of \$5,000 per each violation, attorney fees and costs, and pre- and post-judgment interest.

COUNT III
VIOLATION OF NEW MEXICO UNFAIR PRACTICES ACT
(UNCONSCIONABLE TRADE PRACTICES)
NMSA 1978, § 57-12-1 to -26

398. The State re-alleges all prior paragraphs of this Complaint as if fully set forth herein.

399. The UPA prohibits “[u]nfair or deceptive trade practices and unconscionable trade practices in the conduct of any trade or commerce.” NMSA 1978 § 57-12-3 (1971).

400. Defendant is engaged in “trade” or “commerce” as defined by the UPA, which “includes the advertising, offering for sale or distribution of any services and any property and any other article, commodity or thing of value, including any trade or commerce directly or indirectly affecting the people of this state.” NMSA 1978, § 57-12-2(C) (2019). Defendant advertises, offers, and distributes its internet platform within New Mexico and to New Mexico residents.

401. Additionally, Snap charges and collects a monthly fee from select users, including, on information and belief, users in New Mexico for its “Snapchat+” service, which entitles users who have paid the fee access to all the regular features of Snapchat, plus access to additional features offered only to paying users.

402. In addition to offering, advertising, and distributing its social media platform in New Mexico, Snap receives revenue both for showing ads to New Mexico consumers and also for harvesting New Mexican consumers’ personal data, including information about their activities and interests, to target advertising, thereby increasing its revenue from selling ads. Snap’s platform also facilitates the sale of goods and services, both through advertisements that Snap directs to New Mexico residents. Moreover, Snap’s platform itself facilitates the sale of goods and services, including, as alleged above, the sale of illegal firearms and drugs, by connecting willing buyers with willing sellers, and through Snap’s “Snapcash” feature.

403. At all times relevant herein, the Defendant violated the UPA, NMSA 1978, §§ 57-12-1 to -26 (1967, as amended through 2019), by engaging in acts or practices “in connection with the sale ... of any goods ... that to a person’s detriment: (1) takes advantage of the lack of knowledge, ability, experience or capacity of a person to a grossly unfair degree; or (2) results in a gross disparity between the value received by a person and the price paid.” NMSA 1978 § 57-12-2E (2019).

404. The Attorney General is authorized to bring an action in the name of the State to remedy violations of the UPA. NMSA 1978, §§ 57-12-8(A) (1978), 57-12-15 (1967). This action is proper in this Court because Defendant is using, has used, and continues to use practices that are unlawful under the UPA. Section 57-12-8(A).

405. Defendant’s conduct, as alleged in the foregoing paragraphs, constitutes unconscionable trade practices within the meaning of the Unfair Practices Act, including because Defendant made material statements, representations, omissions, and/or concealed information in a way that had the capacity or tendency to mislead consumers.

406. By engaging in the affirmative misrepresentations and omissions described above, Defendant took advantage of advertisers’, children’s and parents’ lack of knowledge, ability, experience or capacity in deciding when, whether, how, and how often to use Snap’s platform. Without accurate information about the consequences to young users of using its platform, New Mexico children, in particular, as well as their parents, could not make informed decisions about opening accounts on Snapchat, setting up account features, supervising or being supervised on the use of the platform, and participating in groups or accepting friend requests, among other choices. The imbalance in information, experience, ability, and capacity between Snap, a multi-billion-dollar global corporation which extensively researched the activity on and effects of its platform,

and children using its platform, was grossly unfair, and took advantage of their inferior knowledge of Snap's products. Nor do children have the ability to assess Snap's terms of services or features or to negotiate different terms of participation.

407. By agreeing to allow Snap to collect and use their data and to receive advertising, for which Snap was paid billions of dollars, Snap's users paid a price for access to its services. In addition, Snap offered and sold its own premium service for a fee within New Mexico, and sold goods and services in New Mexico not only by providing access to its platform to millions of New Mexico consumers, but by selling paid advertising that was shown to New Mexico consumers who used its platform. By providing a product that subjected users, particularly young users, to the human trafficking, CSAM, solicitation, and other sexually explicit content, and to the compulsive use, depression, anxiety, eating disorders, negative self-worth, sleep disturbance, suicide, and other harms, the products that Snap delivered had a grossly disparate value.

408. As alleged above, despite knowledge of the prevalence of illicit and illegal content on its platform, and despite knowledge of the effects of excessive use of its platform on young users (to whom the platform was targeted), Snap failed to implement parental controls for years. And when Snap finally implemented such controls, those controls were hidden within the app, ineffective at protecting children and effective only if both the young user and the young user's parents were Snap customers. Thus, Snap's parental controls had little or no value to young users whose parents had not signed up for a separate Snap account.

409. Absent Snap's unfair, deceptive, and unconscionable conduct, many New Mexico consumers would not have used Snap's platform and served as the targeted audience that allowed Snap to reap windfall profits.

410. Each unconscionable trade practice engaged in by Defendant as recited above and throughout this Complaint constitutes a separate violation of the Unfair Practices Act.

411. New Mexico consumers and youth are suffering, have suffered, and will continue to suffer unjustified substantial injury as a result of Defendant's violations of New Mexico laws. Absent injunctive relief by this Court, Defendant is likely to continue to injure consumers and harm the public interest.

412. Plaintiff, State of New Mexico, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief, disgorgement of profits, all recoverable penalties under Section 57-12-11 including a civil penalty of \$5,000 per each violation, attorney fees and costs, and pre- and post-judgment interest.

COUNT IV
PUBLIC NUISANCE
NMSA 1978, § 30-8-81 and common law

413. The State re-alleges all prior paragraphs of this Complaint as if fully set forth herein.

414. The Attorney General may bring an action to abate a public nuisance in the name of the State. NMSA 1978, § 30-8-8(B) (1963).

415. Through the unreasonable and unlawful conduct described above, particularly in Counts 1 and II, Defendant has contributed to, and/or assisted in creating and maintaining a condition that is harmful to the health and safety of thousands of New Mexico residents and interfered with the enjoyment of life in violation of New Mexico law.

416. In addition, Defendant's conduct contributing to the public nuisance was unreasonable in that it breached the duty Defendant assumed when it offered, marketed, and maintained its platform without reasonable care and with defects that Defendant knew rendered

the platform unsafe for children and assured children, their parents, and the public generally that its platform was safe and that the CSAM, other CSEC and other harmful content on the platform was extremely rare, and that children did not experience addiction or other mental health harms associated with their use of the platform. Particularly in the context of its misleading statements, Snap's failure to warn about these precise risks was especially deceptive.

417. Internet-facilitated human trafficking, distribution of CSAM and other illicit material over the internet, and social media addiction and its impact on the social and mental well-being of New Mexico teens and adolescents are a public nuisance in New Mexico, which remains unabated. The unlawful and unreasonable conduct by the Defendant has created and/or facilitated these hazards to public health and safety.

418. The health and safety of New Mexico's children and others who use Snap's platform, as well as those impacted or affected by Snap's platform—i.e., teens or children suffering from the harmful effects of platform usage—is a matter of great public interest and of legitimate concern to the State's citizens and residents.

419. The public nuisance created by Defendant's actions is substantial and unreasonable – it has caused and continues to cause significant harm to the community, and the harm inflicted outweighs any offsetting benefit.

420. Defendant knew, or should have known, that the design and function of its internet platform, including, but not limited to, the operation of its design features in promoting and encouraging illicit content or unknown adults related to human trafficking, CSAM, suicide, eating disorders, bullying or other topics known to cause harm to teens or adolescents, would create a public nuisance.

421. Defendant is liable for a public nuisance because it acted without lawful authority in knowingly creating and maintaining its platform and its features, including, but not limited to, the algorithms that recommend connections to unknown adults, which clearly affects a number of citizens, is injurious to public health, safety, morals and welfare, and interferes with the exercise and enjoyment of public rights. NMSA 1978, § 30-8-8-1.

422. Defendant is liable for public nuisance because its conduct at issue has caused an unreasonable interference with a right common to the general public. *City of Albuquerque v. State ex rel. Village of Los Ranchos de Albuquerque*, 1991-NMCA-015, ¶ 17, 111 N.M. 608 (“A public nuisance is a wrong that arises by virtue of an unreasonable interference with a right common to the general public.”) (citing Restatement (Second) of Torts § 821B(1)). The Defendant’s conduct described herein significantly interferes with public health, safety, peace, comfort, and convenience.

423. Defendant’s actions were, at the least, a substantial factor in (i) enabling human trafficking to occur within New Mexico and affecting New Mexico residents; (ii) enabling the solicitation, distribution and creation of illicit sexual material involving children or child abuse; (iii) harming the well-being of numerous New Mexico teens and adolescents; (iv) causing addiction to social media; and/or (v) contributing to an increase in suicide, eating disorders, depression, bullying, and other forms of harm among New Mexico teens and adolescents. Without Defendant’s actions, all of these harms resulting from use and abuse of Snap’s platform would not have become so widespread, and the enormous public health hazard of social media addiction, including addiction to Snap’s platform, human trafficking enabled by Snap’s platform, distribution of child pornography enabled by Snap’s platform, and increases in eating disorders, bullying, and

suicide among New Mexico teens enabled by Snap's platform, that now exists would have been averted.

424. In addition to the foregoing, Defendant's conduct invades a legally protected interest. Defendant's conduct constitutes an unreasonable interference because, *inter alia*, Defendant has violated public policies intended to stem the tide of sexual exploitation of children and human trafficking. *See, e.g.*, NMSA § 30-52-1 (prohibiting human trafficking); NMSA § 30-37-3.2 (prohibiting "soliciting a child under sixteen years of age, by means of an electronic communication device, to engage in sexual intercourse, sexual contact or in a sexual or obscene performance . . .").

425. Because Defendant has maintained its social media platform contrary to law, and because Defendant's conduct has unreasonably interfered with a right common to the general public, Defendant is liable for public nuisance per se. *See Espinosa v. Roswell Tower, Inc.*, 1996-NMCA-006, ¶ 10, 121 N.M. 306, 910 P.2d 940 ("An activity conducted or maintained contrary to law may be a public nuisance per se when the activity unreasonably interferes with a right common to the general public.").

426. Defendant's unreasonable interference with a right common to the public is of a continuing nature.

427. Defendant is aware of the unreasonable interference that its conduct has caused in the State of New Mexico. Internal documents described above demonstrate the Defendant's knowledge of the harms its conduct was causing to society at large, including to teens and adolescents in New Mexico. Defendant was aware of and actively monitored scores of news reports providing evidence of its users suffering harm as the result of the design of its platform.

428. The public nuisance created by Defendant's actions is substantial and unreasonable – it has caused and continues to cause significant harm to the community, and the harm inflicted outweighs any offsetting benefit. Incidents of human trafficking, distribution or solicitation of CSAM and human trafficking, and youth suicide, eating disorders, bullying, and depression are widespread throughout New Mexico and have caused harm to the entire community that includes, but is not limited to:

- a. Increase in the rate of suicides, depression, eating disorders, and other mental health issues among young people in New Mexico attributable to social media addiction and misuse;
- b. Increased incidences of human trafficking occurring in New Mexico or affecting New Mexico residents facilitated by Defendant's platform;
- c. Increase in the decline of physical and mental well-being among young people in New Mexico attributable to social media addiction and misuse, and the attendant societal and economic costs associated therewith;
- d. Increase in creation and distribution of, and exposure to CSAM by teens and adolescents, and the attendant societal and economic costs associated therewith;
- e. Decline in educational attainment by teens and adolescents due to loss of sleep or other effects from overuse or misuse of Defendant's platform;
- f. Long-term effects from eating disorders and body dysmorphia, including dermatological effects to the nails and hair, gastrointestinal illnesses, fertility issues, and impacts to the endocrine system, nervous system and skeletal system; and

- g. Increase in harms resulting from the overuse and abuse of Defendant's platform, including dissociative behavior, withdrawal symptoms, social isolation, damage to body image and self-worth, increased risky behavior, exposure to predators, sexual exploitation, and other profound mental health issues.

429. Plaintiff, the State of New Mexico, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief, abatement of the public nuisance, payment to the State of monies to abate the public nuisance, attorney fees and costs, and pre- and post-judgment interest.

XV. PRAYER FOR RELIEF

WHEREFORE, the State of New Mexico, by and through its Attorney General, respectfully prays that this Court grant the following relief:

1. Entering judgment in favor of the State in a final order against Defendant;
2. Declaring that each act, statement and/or omission of Defendant described in this Complaint constitute separate and willful violations of the UPA;
3. Declaring that Defendant's unreasonable and unlawful conduct created a public nuisance;
4. Imposing civil penalties on Defendant of up to \$5,000 for each violation of the UPA;
5. Permanently enjoining Snap and its employees, officers, directors, agents, assigns, successors, subsidiaries, and other persons acting in concert or participation with it, from engaging in unfair, unconscionable, or deceptive practices in violation of New Mexico law and ordering a permanent injunction;

6. An order that Snap abate the public nuisance caused by Snap's unreasonable and/or unlawful conduct;
 7. Disgorgement of profits and data that were unjustly obtained;
 8. The cost of investigation, reasonable attorneys' fees, and all costs and expenses;
 9. Pre-judgment and post-judgment interest; and
 10. All other relief as provided by law and/or as the Court deems appropriate and just.
- Plaintiff asserts claims herein in excess of the minimum jurisdictional requirements of this Court.

Respectfully submitted,

RAÚL TORREZ
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NEW MEXICO DEPARTMENT OF JUSTICE

/s/ James W. Grayson

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