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The lawsuit by 33 US States v. Meta - is a significant precedent for social media regulation on the horizon?



The lawsuit filed by 33 US states against the companies, owners of the biggest social media platforms, might significantly advance the regulation of harmful content that has plagued governments all over the globe. If governments have so far had limited success in curbing the negative aspects of social media, a federal court in California might succeed in this. This court heard a joint action filed by the attorney generals of 33 states against Meta, the company that owns Facebook and Instagram. Approximately 200 private cases alleging the same thing - that social media use causes addiction in young people - may be joined to the federal states' lawsuit, even though it is already quite convincing on its own. Federal Judge Yvonne Gonzalez Rogers heard arguments from representatives of Google, Meta, Snap, and TikTok last Friday. These companies are being sued by private individuals. On that occasion, she hinted that it would be challenging to escape accountability for creating algorithmic traps, which lead to addiction, eating disorders and other health issues in children.

Addiction has epidemic proportions

In the lawsuit against Meta, 33 attorneys general stated that this company's platforms harm the health of young users and could contribute to a mental health crisis in the US. "Meta has profited from children's pain by intentionally designing its platforms with manipulative features that make children addicted to their platforms while lowering their self-esteem," said Letitia James, the attorney general for New York on behalf of the plaintiffs. The scale of addiction and mental disorders due to excessive use of social media has epidemic proportions, with more than 200 million estimated addicts worldwide (University of Michigan), of which about 33 million or 10% of the population are in the US alone (California State University). Young people are the most susceptible group of addicts because of their commitment to digital platforms, particularly during the rise in smartphone use (95% of teenagers in the US

own a smartphone). The most common disorders are anxiety, depression, attention problems, feeling rejected (due to a small number of likes, for example), loneliness, and eating disorders. The most severe is the worrying trend of increasing suicides, that is, thinking about suicide among teenagers. An earlier study by the Centre for Disease Control and Prevention (2009-2019) found that one in five high school students had seriously considered suicide, and 9% had attempted suicide. Suicidal tendencies are not directly related to mental health issues brought on by social media addiction. However, the growth trend is closely related to the growth and development of social media use and should not be disregarded.

Social media is increasingly addictive

As the plaintiffs on behalf of the US federal states have pointed out, social platform owners intentionally and through a series of actions make their platforms more addictive. "What we want is for the company to undo that, to make sure that they are not exploiting these vulnerabilities in children", said Tennessee Attorney General Jonathan Skrmetti. US states' lawsuits against Meta appear to be the final legal action, dating back to the 2021 testimony of Facebook whistleblower Frances Haugen. As part of that testimony, she submitted internal documents testifying that the company was aware that its products could have a negative effect on the mental health of young people. The action brought before a court in California is reminiscent of similar mass action lawsuits, which have been filed in the past against cigarette manufacturers or pharmaceutical giants for knowingly creating addiction in consumers for the sake of greater profits.

A shortcut to social media regulation

The federal lawsuits against Meta could set a

significant precedent in regulating at least one problematic segment of the digital communication platform industry if combined with individual lawsuits against other tech giants, which makes sense, given that they are related to the same issue. One of the significant precedents is already in sight, judging by the statement of Judge Yvonne Gonzalez Rogers that companies will not be able to rely, as before, on the protection by the famous Section 230 of the 1996

Communication Decency Act. Online providers have the right to moderate messages on their platforms when they deem it necessary.

However, they are not accountable for the content published on them, according to this outdated but still valid regulation.

Governments and legislators around the world fail to impose any effective regulation in the area of social media, which is due to objective restrictions that come from freedom of speech but also due to the influence of tech giants on political decisions. Court precedent, which would eventually result in a verdict in favour of 33 US federal states and about 200 individual plaintiffs, would be a significant shortcut to stricter social media content control, at least in the part that regards the negative impact on the mental health of young people. Such a ruling by the US court would also have positive consequences globally because company owners would have to change the structure of their communication platforms and abolish those practices that create the risk of addiction.