



**Written Testimony of Josh Golin, Executive Director, Fairplay
SF 3933: An Act Relating to Consumer Protection;
Prohibiting Certain Social Media Algorithms that Target Children**

Civil Law and Data Practices Committee

March 29, 2022

Dear Chairperson Mathews and Honorable Members of the Committee:

Thank you for the opportunity to speak to you today about Senate Bill 3933: “Prohibiting Certain Social Media Algorithms that Target Children.”

My name is Josh Golin and I am Executive Director of Fairplay, the leading independent watchdog of the children’s media and marketing industries. Through corporate campaigns and strategic regulatory filings, Fairplay has changed the practices of some of the most popular social media platforms. Most notably, our 2018 Federal Trade Commission complaint against Google for violating the Children’s Online Privacy Protection Act (COPPA) led to the 2019 FTC settlement that required Google to pay a record fine and to limit data collection and targeted advertising on child-directed content on YouTube.¹

Our current campaigns include leading a large international coalition of parents, advocates, and child development experts to stop Facebook from launching a kids’ version of Instagram.² And in November, with other leading organizations, we launched Designed with Kids in Mind, a multi-faceted campaign to demand regulations that would require operators to make the best interests of children a primary consideration when designing apps, websites, and platforms likely to be accessed by young people.³

We need regulations that limit how social media platforms impact young people because the unregulated business model for digital media is fundamentally at odds with children’s wellbeing. Digital platforms are designed to maximize revenue and therefore prolong user engagement, because the longer they can capture users’ attention, the more money the platforms make. As a result, children are

¹ Campaign for a Commercial-Free Childhood (now Fairplay) and Center for Digital Democracy. “Request to Investigate Google’s YouTube Online Service and Advertising Practices for Violating the Children’s Online Privacy Protection Act.” *Counsel for Center for Digital Democracy and Campaign for a Commercial-Free Childhood before the Federal Trade Commission*. (2 April 2018).

<https://fairplayforkids.org/advocates-say-googles-youtube-violates-federal-childrens-privacy-law/>

² Fairplay. “Facebook’s bait and switch on surveillance advertising to children.” *Open Letter to Mark Zuckerberg*. (16 Nov. 2021). <https://fairplayforkids.org/wp-content/uploads/2021/11/fbsurveillanceletter.pdf>

³Fairplay. “Designed with Kids in Mind.” (Accessed 7 Dec. 2021). <https://designedwithkidsinmind.us/>

subject to relentless pressure and manipulative design that pushes them to use and check platforms as often as possible.

One of the most harmful design choices employed by social media platforms is the use of algorithms to determine the content young people see. Algorithms use the vast amount of data social media platforms collect about young people – including their likes, interests, web searches, location history, online purchases, the videos they watch, and their friends’ online activity – to decide which content gets recommended to them and shows up in their feeds. This harms children in three interrelated ways.

First, by constantly barraging young people with the content that is most likely to keep them on a platform, targeting algorithms drive overuse of social media. Excessive use of digital media and social media is linked to a number of risks for children and adolescents, including obesity,⁴ lower psychological well-being,⁵ decreased happiness,⁶ decreased quality of sleep,^{7,8} depression,⁹ and increases in suicide-related outcomes such as suicidal ideation, plans, and attempts.¹⁰ Fifty-nine percent of US teens have reported being bullied on social media,¹¹ an experience which has been linked to increased risky behaviors such as smoking and increased risk of suicidal ideation.¹²

⁴ Robinson, T. N., Banda, J. A., Hale L., Lu, A. S., Fleming-Milici, F., Calvert, S. L., Wartella, E. “Screen media exposure and obesity in children and adolescents.” *Pediatrics*, 140 (Supplement 2), S97-S101. (2017), doi:[10.1542/peds.2016-1758K](https://doi.org/10.1542/peds.2016-1758K)

⁵ Twenge, J., Campbell, K. “Media Use Is Linked to Lower Psychological Well-Being: Evidence from Three Datasets,” *Psychiatric Quarterly* 90, no. 2. 311–31, (1 June 2019), <https://doi.org/10.1007/s11126-019-09630-7>.

⁶ Twigg, L., Duncan, C., Weich, S. “Is Social Media Use Associated with Children’s Well-Being? Results from the UK Household Longitudinal Study,” *Journal of Adolescence* 80: 73–83, (1 April 2020), <https://doi.org/10.1016/j.adolescence.2020.02.002>.

⁷ Carter, Ben et al. “Association Between Portable Screen-Based Media Device Access or Use and Sleep Outcomes: A Systematic Review and Meta-Analysis.” *JAMA Pediatrics* 170, no. 12: 1202–8, (1 Dec. 2016), <https://doi.org/10.1001/jamapediatrics.2016.2341>.

⁸ Lemola, Sakari et al. “Adolescents’ Electronic Media Use at Night, Sleep Disturbance, and Depressive Symptoms in the Smartphone Age.” *Journal of Youth and Adolescence* 44 (1 Feb. 2014), <https://doi.org/10.1007/s10964-014-0176-x>.

⁹ *Ibid.*

¹⁰ Ivie, E. J., Pettitt, A., Moses, L. J., & Allen, N. B. (2020). A meta-analysis of the association between adolescent social media use and depressive symptoms. *Journal of affective disorders*, 275, 165-174.

Yoon, S., Kleinman, M., Mertz, J., & Brannick, M. (2019). Is social network site usage related to depression? A meta-analysis of Facebook–depression relations. *Journal of affective disorders*, 248, 65-72.

Cunningham, S., Hudson, C. C., & Harkness, K. (2021). Social media and depression symptoms: a meta-analysis. *Research on Child and Adolescent Psychopathology*, 49(2), 241-253.

Keles, B., McCrae, N., & Grealish, A. (2020). A systematic review: the influence of social media on depression, anxiety and psychological distress in adolescents. *International Journal of Adolescence and Youth*, 25(1), 79-93.

¹¹ Anderson, Monica. “A Majority of Teens Have Experienced Some Form of Cyberbullying,” *Pew Research Center: Internet, Science & Tech* (blog), (27 Sep. 2018),

<https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/>.

¹² Van Geel, M., Vedder, P., Tanilon, J.. “Relationship Between Peer Victimization, Cyberbullying, and Suicide in Children and Adolescents: A Meta-Analysis,” *JAMA Pediatrics* 168, no. 5: 435–42, (1 May 2014), <https://doi.org/10.1001/jamapediatrics.2013.4143>.

Second, targeting algorithms often expose children and teens to inappropriate, extremist, and harmful content. As a former YouTube engineer observed: “recommendations are designed to optimize watch time, there is no reason that it shows content that is actually good for kids. It might sometimes, but if it does, it is coincidence.”¹³ In recent years, many parents have documented how YouTube recommends knockoff versions of cartoons to young children which often contain violent, sexualized and disturbing content.¹⁴ Algorithms drive 70% of viewing on YouTube.¹⁵

Algorithmic recommendations can be particularly dangerous when they target children and teens’ greatest vulnerabilities. A *Wall Street Journal* investigation documented how TikTok users were served videos that encouraged eating disorders and discussed suicide.¹⁶ Frances Haugen described how Instagram’s algorithm targets users with content based on their interests, even if their interests are eating disorders or self harm: “They develop these feedback cycles where children are using Instagram to self-soothe but then are exposed to more and more content that makes them hate themselves.”¹⁷ Her observations were confirmed by an experiment conducted by Senator Blumenthal’s office, which created an account for a fake 13 year-old girl that “liked” content about dieting. Within 24 hours, the account was served pro-eating disorder and self-harm content. According to Facebook’s own internal research, one in three adolescent girls says Instagram makes their eating disorders worse.¹⁸

Finally, targeting algorithms affect young people’s decisions about what to post online. Children and teens quickly learn that their content is more likely to be shown to other users if they post more frequently and share angry, provocative or risqué posts, photos or videos. For instance, adolescent girls report feeling pressure to post sexualized selfies as a means of generating attention.¹⁹

There is overwhelming support for new rules and standards for social media companies to better protect young people online. Seventy-eight percent of likely voters – including 87% of Democrats and 73% of Republicans – support new regulations. And this month, 69 leading advocacy organizations urged leaders in the US Congress to pass legislation that would prevent online platforms from manipulating children and teens into spending too much time online and exposing young people to harmful content.²⁰

¹³ Orphanides, K.G. “Children’s YouTube is still churning out blood, suicide and cannibalism.” *Wired*, (23 March 2018), <https://www.wired.co.uk/article/youtube-for-kids-videos-problems-algorithm-recommend>

¹⁴ Bridle, James. “How Peppa Pig became a video nightmare for children.” *The Guardian*, (17 June 2018), <https://www.theguardian.com/technology/2018/jun/17/peppa-pig-youtube-weird-algorithms-automated-content>

¹⁵ Solsman, Joan. “YouTube’s AI is the puppet master over most of what you watch.” *CNET*, (10 Jan. 2018), <https://www.cnet.com/news/youtube-ces-2018-neal-mohan/>

¹⁶ Wall Street Journal Staff. “Inside TikTok’s Algorithm: A WSJ Video Investigation.” *Wall Street Journal*, (21 July 2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>

¹⁷ Pelley, Scott. “Whistleblower: Facebook is misleading the public on progress against hate speech, violence, misinformation.” *CBS: 60 Minutes*, (4 Oct. 2021), <https://youtu.be/Lx5VmAdZSI>

¹⁸ Wells, Georgia, et al. “Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show.” *The Wall Street Journal* (14 Sept. 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>

¹⁹ Macheroni, G., Vincent, J., Jimenez, E. “‘Girls Are Addicted to Likes so They Post Semi-Naked Selfies’: Peer Mediation, Normativity and the Construction of Identity Online,” *Cyberpsychology: Journal of Psychosocial Research on Cyberspace* 9, no. 1 (1 May 2015), <https://doi.org/10.5817/CP2015-1-5>.

²⁰ Letter to Congressional Leadership, (22 March 2022), [Fairplayforkids.org/congressletter](https://fairplayforkids.org/congressletter)

Partisan divisions and Big Tech lobbying, however, make passage of new federal legislation far from certain. That's why it's so critical that state governments take urgent action to protect young people from online harms.

Passage of Senate Bill 3933 would be a huge step towards creating the online environment all children and teens deserve. It would protect children and teens from an ecosystem that prioritizes quantity of engagement over quality of experience. It will stop a major driver of the harmful content young people are exposed to online. It would force social media platforms to respect young people's developing autonomy and let them choose the content they engage with free of undue influence. And, passing Senate Bill 3933 would position Minnesota as a leader in addressing the teen mental health crisis being exacerbated by social media.

Thank you again for the opportunity to testify and I am happy to answer any questions or provide additional information.