



**Written Testimony of James P. Steyer**

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**Before The House Energy and Commerce  
Subcommittee on Communications and Technology**

**Hearing on**

**“Holding Big Tech Accountable:  
Targeted Reforms to Tech's Legal Immunity”**

**December 1, 2021**

My name is James P. Steyer. I am the founder and CEO of Common Sense Media.

Today’s rules governing the internet, and social media platforms in particular, are not working for our society and especially not for vulnerable kids and teens who suffer an outsized amount of harm from them. It is long overdue for Congress to take action to support parents and kids rather than continue to protect platforms. We are at a watershed moment, a critical opportunity to update the laws that govern the internet and digital commerce and I greatly appreciate Chairman Pallone, Chairman Doyle, Ranking Member McMorris Rogers, Ranking Member Latta and the distinguished members of this committee for creating this discussion on the needs of kids and teens, among other vulnerable and under-represented populations, as you consider reforms to Section 230 and other solutions to this crisis.

My testimony today will make clear that children and teens are particularly vulnerable to platform practices, that the rules governing platform practices are out of date, and that Congress must pass legislation to improve the internet for everyone. Specifically I will highlight that:

- Children and teens are uniquely vulnerable because of their developing brains and significant screen usage;

- Platforms prey on kids and teens, and other vulnerable populations, through manipulative design features, algorithmic amplification of negative, harmful, and untruthful content, and the distribution of overly commercial content;
- No amount of harms will lead tech companies to hold themselves accountable;
- We are at a watershed moment that Congress must seize to protect vulnerable populations and begin to repair our essential social fabric that platforms have weakened.

## 1. Common Sense Media – Organizational Background

As many of the members of the Committee are already familiar, **Common Sense is America’s leading organization dedicated to helping kids and families harness the power of media and technology as a positive force in kids’ lives.** We reach 125 million households annually with our age-appropriate media ratings and reviews, and our award-winning **Digital Citizenship Curriculum** is the most comprehensive K-12 offering of its kind in the education field. We have more than 1.2 million registered educators using our digital citizenship resources, and more than 70% of U.S. schools are Common Sense Media members. Our curriculum teaches kids, parents, and educators how to make smart and responsible choices online.

Our nationally recognized **research program**, including the **Common Sense Census**, provides independent data on children’s use of media and technology and the impact it has on their physical, social-emotional, and intellectual development. Our **privacy program** evaluates popular ed-tech and other products used at home and in the classroom, and we actively support the unique needs of low-income families and families of color, empowering them to access and navigate the digital world with greater ability and confidence.

Our bipartisan **advocacy program** has a well established track record of pressing for rules and policies at the state and federal level to protect individuals’ privacy, curb unfair advertising practices, hold tech companies accountable to ensure a healthy internet for all, and ensure universal access to high-speed internet and modern computing devices in every home, business, and school.

For example, we are strong supporters of efforts to update the outdated Children’s Online Privacy Protection Act (COPPA) and the Federal Trade Commission’s COPPA Rule. We sponsored California’s bi-partisan and precedent-setting consumer privacy law, the California Consumer Privacy Act (CCPA), and have been vocal proponents of a national consumer privacy law. We advocate for more independent research to better understand the relationships between digital media use and early and adolescent development, such as the Children and Media Research Advancement Act (CAMRA).

In addition, we have authored and supported a variety of solutions, some of which the committee currently has under consideration now, that would hold platforms accountable for the harms they are perpetuating upon the next generation - supporting innovative state and federal proposals to address manipulative design, curb harmful advertising, and create an online environment that lifts up children and families.

We also play a leadership role in the effort to close the digital divide, especially for k-12 students and teachers, including through modernizing the E-Rate and Lifeline programs, and by conducting novel research and advocacy in 2020 and 2021 that helped lay the groundwork for the American Rescue Plan's more than \$7 billion, and additional funds in the Build Back Better Act, to connect students and teachers caught in the Homework Gap, through the Emergency Connectivity Fund that this committee was instrumental in enacting. **Chairman Pallone and Chairman Doyle, thank you for your support for affordable and accessible broadband for all Americans.**

**We have known for a decade or more that Facebook and other social media platforms engage in harmful practices.** And there have been numerous efforts to directly pressure technology companies to change their practices. Fast forward to the present day, and Facebook and Instagram are not only still knowingly causing harm, they are working on new ways to attract kids and teens to their platforms. That is why, after many other efforts to pressure companies, in 2020, Common Sense, along with five other organizations, started **#StopHateForProfit**, a campaign that called on advertisers to stop running ads on Facebook until the company took specific and significant steps to halt the rampant amplification of hate on its platform.<sup>1</sup> Now, **with Facebook Whistleblower Frances Haugen's groundbreaking testimony this fall, we have an even clearer understanding of just how much Facebook and other social media platforms are harming children and teens and weakening the social fabric that is so essential to a strong democracy.** Her revelations and other recent actions and investigations have delivered us to this pivotal moment to finally take steps to hold Big Tech accountable and put kids, families, and our country first. **We cannot let this moment pass by without taking action to better protect kids, teens, and the general public.**

## **2. Children and teens are uniquely vulnerable because of their developing brains and significant screen usage**

### *I. Children and teens are uniquely vulnerable because their brains are still developing*

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<sup>1</sup> Common Sense Media, ADL, NAACP, Sleeping Giants, Common Sense, Free Press, and Color of Change Call for Global Corporations to Pause Advertising on Facebook to Stop Hate Online, Common Sense Media (June 17, 2020).

Children and teens are uniquely vulnerable on social media and other internet platforms. Their brains are still developing. They are impulsive and prone to oversharing, they do not understand the online data ecosystem, and they are more susceptible to online persuasion to purchase and take other actions.<sup>2</sup>

Both young children and teens are prone to overshare. Young children do not understand the consequences of such sharing, and believe information remains at a device level or within an app.<sup>3</sup> They do not expect or understand that an app may gather information about them from outside-app sources, or that information they delete may remain.<sup>4</sup> Some young children even view monitoring by others as a positive.<sup>5</sup> Older children, even if they can read, do not understand privacy policies which are often long and legalistic.<sup>6</sup> Teens also share easily, thinking of the immediate present and not long-term consequences as their brains prioritize rewards and minimize risks.<sup>7</sup> Most mistakenly believe it is easy to delete their information, and many think social networking sites do a bad job at explaining how they treat user information.<sup>8</sup> They are also susceptible to peer pressure and will stay and share online even if they no longer enjoy it, since their friends are there.<sup>9</sup> Social media platforms in particular are designed in a way that is particularly appealing to teenagers and emerging adults, who are oriented toward others, belonging, groups, and acceptance.<sup>10</sup> Parents are worried about their kids and their kids' privacy, but don't know how to help.

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<sup>2</sup> [Children, Adolescents, and Advertising](#), Committee on Communications Pediatrics, (Dec 2006).

<sup>3</sup> Children may not understand what is going on, whereas teens may have a slightly better sense but be more likely to partake in risky behavior.; see Adriana Galvan et al., *Earlier Development of the Accumbens Relative to Orbitofrontal Cortex Might Underlie Risk-Taking Behavior in Adolescents* 26 *Journal of Neuroscience* 25 (2006) (teens' brain development can bias them towards risky behaviors).

<sup>4</sup> Anonymous Author(s). 2021. "They See You're a Girl if You Pick a Pink Robot with a Skirt": How Children Conceptualize Data Processing and Digital Privacy Risks. In CHI '21: ACM CHI Conference on Human Factors in Computing Systems, May 8–13, 2021, Yokohama, Japan. ACM, New York, NY, USA

<sup>5</sup> Gelman, Martinez, Davidson, Noles (2018), *Child Development Journal*; Sonia Livingstone, Mariya Soilova, Rishita Nadagiri, [Children's data and privacy online: Growing up in a digital age, An evidence review](#), (December 2018).; p. 18. Children 4-7 view GPS tracking favorably, not as a privacy concern, and even 8-11 year olds can view monitoring as positive to ensure their safety.

<sup>6</sup> Children's data and privacy online: [Growing up in a digital age, An evidence review](#), Sonia Livingstone, Mariya Soilova, Rishita Nadagiri, p. 15. (December 2018).

<sup>7</sup> Adriana Galvan et al., *Earlier Development of the Accumbens Relative to Orbitofrontal Cortex Might Underlie Risk-Taking Behavior in Adolescents* 26 *Journal of Neuroscience* 25 (2006); Adriana Galván and Kristine M. McGlennen, *Enhanced Striatal Sensitivity to Aversive Reinforcement in Adolescents versus Adults*, 25 (2) *J. of Cognitive Neuroscience* 284–296 (2013).

<sup>8</sup> OFCOM, [Children and Parents: Media Use and Attitudes Report](#), (Nov. 2016). Common Sense Media, *Privacy Matters: Protecting Digital Privacy for Parents and Kids*, (2018).

<sup>9</sup> Center for Digital Democracy and the Campaign for a Commercial Free Childhood Comments before the Federal Trade Commission, Competition and Consumer Protection in the 21<sup>st</sup> Century, Hearing #12: The FTC's Approach to Consumer Privacy (2019), at 12, citing [Taylor Lorenz, Teens Are Being Bullied 'Constantly' on Instagram](#), *The Atlantic* (Oct. 10, 2018), "teens stay on Instagram even with cyberbullying because "quitting wasn't an option."

<sup>10</sup> Zuboff, Shoshana, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*, p. 449, (January 15, 2019).

Children and teens also have trouble identifying and understanding advertising, and social media companies take advantage of this. Research suggests children are not aware of advertisements until they reach 4–5 years of age.<sup>11</sup> And 75 percent of kids between 8-11 years old cannot distinguish ads.<sup>12</sup> Online, the lack of distinction between ads and content can make distinguishing ads even harder.<sup>13</sup> Indeed, less than half of young teens in one study understood that the top search results in a Google search are paid to appear there, even when the results were labeled with an orange box reading “ad.”<sup>14</sup> What’s more, when children do identify ads, they still struggle to understand that the ad’s goal is to sell them something. Children under 8 years old lack the cognitive ability to understand the persuasive or “selling” intent of advertisements, and this knowledge of persuasion is still underdeveloped until at least age 12. Some researchers found that children ages 6–7 predominantly view advertisements as informational breaks for the watchers or the makers of a TV program.<sup>15</sup>

## II. *Kids spend a large amount of time online*

Children across all age groups are spending more time on devices and online than ever before. According to Common Sense research, children from birth to age 8 in the United States use about two and a half hours of screen media per day, while 8- to 12-year-olds use just under five hours’ worth, and teens use as much as nine hours a day.<sup>16</sup> These numbers do not include the time spent using screens for school or homework. This means teens are spending more time on social media and online than they do sleeping, going to school, or spending time with family or friends. Kids are also beginning to use social media younger and younger. About a third of children ages 7 to 9 use social media apps on phones or tablets, and about 49 percent of children ages 10 to 12 do.<sup>17</sup>

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<sup>11</sup> Ibid.

<sup>12</sup> Ofcom, [Children and parents: media use and attitudes report](#), November 2016.

<sup>13</sup> American Psychological Association, [Advertising and Children](#), February 20, 2004. Hudders, Liselot & Cauberghe, Verolien & Panic, Katarina. (2015). “How Advertising Literacy Training Affects Children's Responses to Television Commercials versus Advergimes.” *International Journal of Advertising*. 10.1080/02650487.2015.1090045.

<sup>14</sup> [Common Sense Comments to the Federal Trade Commission on Guides Concerning the Use of Endorsements and Testimonials in Advertising](#), (June 22, 2020).

<sup>15</sup> Samantha Graff, Dale Kunkel & Seth E. Mermin, “Government Can Regulate Food Advertising to Children Because Cognitive Research Shows that it is Inherently Misleading,” *Health Affairs* 2, 392-398 2012. Valkenburg, P. M., & Cantor, J. (2001). “The development of a child into a consumer.” *Journal of Applied Developmental Psychology*, 22(1), 61–72. [https://doi.org/10.1016/S0193-3973\(00\)00066-6](https://doi.org/10.1016/S0193-3973(00)00066-6). Most children’s understanding of the “selling intent” of television food ads did not emerge until around 7–8 years, reaching 90% by 11–12 years. Owen B.J.Carter et al, “Children’s understanding of the selling versus persuasive intent of junk food advertising: Implications for regulation,” *Social Science & Medicine*, Volume 72, Issue 6, p. 962-968, (March 2011).

<sup>16</sup> The Common Sense Census: Media use by kids age zero to eight, 2020. San Francisco, CA: Common Sense Media. American Academy of Child and Adolescent Psychiatry, [Facts for Families: Screen Time and Children](#), February 2020.

<sup>17</sup> C.S. Mott Children’s Hospital University of Michigan Health, *Sharing Too Soon? Children and Social Media Apps*, C.S. Mott Children’s Hospital National Poll on Children’s Health (October 18, 2021).

Much of the screen time even young kids spend today occurs without their parents. Parental co-use goes down dramatically as the child's age goes up: The proportion of parents who say they use media "most of the time" with their 5- to 8-year-old child ranges from 11 percent to 19 percent, depending on the media activity (compared to 37 percent to 62 percent for parents of children under two).<sup>18</sup>

Importantly, children in lower-income households pre-pandemic were spending nearly two hours more with screens than children from higher-income households, and the gap by race and ethnicity had also grown substantially.<sup>19</sup> Black and Latino children were also more likely to spend more time with screens than white children.<sup>20</sup>

### 3. How Platforms Prey on Kids and Teens

**The list of harms platforms impose on kids are seemingly endless, but can be summed up into three major categories.**

- First, platforms use addictive design features to keep kids and teens on their sites, such as likes, comments, emoji reactions, and Snapstreaks, which creates a feedback loop that keeps them coming back for a dopamine hit.
- Second, platforms utilize algorithms that amplify harmful and hurtful content. This amplifies everything from disordered eating and suicide ideation content, to viral challenges that put them in danger; as well as racist, sexist, and sexually abusive content and a wealth of misinformation and disinformation.
- Third, platforms promote overly commercial content such as sponsored videos and advergames that makes it even more difficult for kids and teens to distinguish an advertisement from content.

#### *I. Platforms use addictive design features to keep children and teens on their sites*

The way kids and teens use the internet has greatly changed just in the last decade. In 2010, teens were primarily texting their close friends on flip phones.<sup>21</sup> By 2014, teens were posting carefully curated photos on platforms, like Instagram and Facebook, waiting for comments and likes from not only their closest friends, but the general public.<sup>22</sup> What started as a way for friends to easily connect with each other became a way for them to perform for the public.

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<sup>18</sup> Rideout, V., & Robb, M. B. (2020). *The Common Sense census: Media use by kids age zero to eight, 2020*. San Francisco, CA: Common Sense Media.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Id.*

<sup>21</sup> Jonathan Haidt, "[The Dangerous Experiment on Teen Girls](#)," *The Atlantic*, (November 21, 2021).

<sup>22</sup> *Id.*

**Social media platforms know kids and teens are spending increasing amounts of time on their platforms, and they have made design choices to prioritize company profits and screen time ahead of offering a quality user experience or looking out for these vulnerable groups' well-being.** Follower counts, likes, and emoji reactions on platforms like Facebook, Instagram, Twitter, and TikTok create a popularity contest where it is easy to quantify how well-liked someone is. When teens or kids receive a “like” they get a dopamine hit and “feel good.”<sup>23</sup> This enables an addictive feedback loop where kids come back to the platform to get another dopamine hit or “like” and recent psychological studies also show that teens who received fewer likes than their peers reported more negative emotions and thoughts about themselves, and thus were more likely to develop depressive symptoms over time.<sup>24</sup> It is not surprising to see why. Growing up and becoming comfortable in your own skin is already hard, and kids and teens today must do it under the microscope of social media, where more people than ever can observe their behavior.

**Addictive features do not stop at likes and emoji reactions.** For example, SnapChat, which prides itself on not offering these features, feeds addictive behavior through “Snapstreaks,” which users maintain by sending Snap posts to the same person everyday. Interviews with teen SnapChat users show how much importance is placed on these Snapstreaks: they are seen as proof of friendships, and breaking the streak can result in the loss of friendships.<sup>25</sup> Teens are willing to go as far as waking up early, staying up late, and even giving their friends their log-in information so they can keep up their streaks while they are not able to log on, such as when they’re on vacation or have their phone taken away.<sup>26</sup>

## *II. Algorithms amplify harmful and hurtful content*

The days where platforms display information chronologically by default are long gone. To get users to spend more time and engage more on their platforms, companies use algorithms that amplify certain content they think will be of interest to the user based on their interests and data. However, these algorithms have been the culprit of, or at least the contributor to, many harms by amplifying content that can negatively impact teens’ mental health, put them in danger from risky viral challenges, expose them to violent, sexually abusive, or hateful speech, and spread misinformation and disinformation.

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<sup>23</sup> Trevor Haynes, [Dopamine, smartphones and you: A battle for your time](#), Harvard University (Nov. 26, 2018) and Eames Yates, [What happens to your brain when you get a like on Instagram](#), Business Insider (Mar. 25, 2017).

<sup>24</sup> Lee, H.Y., Jamieson, J.P., Reis, H.T., Beevers, C.G., Josephs, R.A., Mullarkey, M.C., O’Brien, J.M. and Yeager, D.S. (2020), Getting Fewer “Likes” Than Others on Social Media Elicits Emotional Distress Among Victimized Adolescents. *Child Dev*, 91: 2141-2159. <https://doi.org/10.1111/cdev.13422>.

<sup>25</sup> Taylor Lorenz, [“Teens explain the world of Snapchat's addictive streaks, where friendships live or die,”](#) *Business Insider*, (April 14, 2017).

<sup>26</sup> *Id.*



**The increased time kids and teens spend online, particularly on social media platforms like Instagram, are taking a toll on their mental health.** For every increased hour spent using social media, teens showed a two percent increase in depressive symptoms.<sup>27</sup> Facebook’s own research, which was leaked this fall by whistleblower Frances Haugen, found that teens blamed Instagram for increases in the rate of anxiety and depression.<sup>28</sup> The same research showed that Instagram made body image issues worse for one in three teen girls.<sup>29</sup> This is not the only study that has made these observations. Another study where young women were randomly assigned to use Instagram, Facebook, or play a simple video game for just seven minutes found that those who used Instagram showed decreased body satisfaction, decreased positive affect, and increased negative affect.<sup>30</sup>

This is in large part due to the content these groups see on these platforms, which utilize algorithms that amplify harmful and hurtful content, often by latching onto a person’s insecurities. For example, within a day of Senator Blumenthal’s office creating a fake Instagram account for a 13-year-old girl and following accounts with content related to disordered eating and dieting, the platform began serving content promoting eating disorders and self-harm.<sup>31</sup> It also took only one minute for the office to find TikTok videos promoting illegal steroids. And because the person watches or looks at these posts and videos, the algorithm continues feeding them more of this harmful content. Video and content recommendations and features like autoplay not only keep kids and teens hooked, but also lead them to increasingly sensationalist, inappropriate, and illegal content.<sup>32</sup>

**Social media also glorifies harmful viral challenges, such as those on TikTok and SnapChat of people swallowing laundry detergent or driving at speeds dangerously over the speed limit – sometimes to tragically fatal results.** This summer, TikTok came under fire for a viral challenge called the “blackout challenge,” which encourages young people to hold their breath until they pass out.<sup>33</sup> The challenge has been linked to the death of several children, including a

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<sup>27</sup> Boers E, Afzali MH, Newton N, Conrod P. Association of Screen Time and Depression in Adolescence. *JAMA Pediatr.* 2019;173(9):853-859. doi:10.1001/jamapediatrics.2019.1759.

<sup>28</sup> Georgia Wells, Jeff Horwitz, Deepa Seetharaman, “[Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show](#),” *The Wall Street Journal*, (September 14, 2021).

<sup>29</sup> *Id.*

<sup>30</sup> Engeln R, Loach R, Imundo MN, Zola A. “Compared to Facebook, Instagram use causes more appearance comparison and lower body satisfaction in college women,” *Body Image.* 2020; 34:38-45. <https://doi.org/10.1016/j.bodyim.2020.04.007>.

<sup>31</sup> See also Adam Westbrook, Lucy King, and Jonah M. Kessel, [What’s One of the Most Dangerous Toys for Kids? The Internet](#), *New York Times* (Nov. 24, 2021).

<sup>32</sup> Max Fisher & Amanda Taub, [On YouTube’s Digital Playground, an Open Gate for Pedophiles](#), *New York Times*, (June 3, 2019) .

<sup>33</sup> Anne Marie Lee, “[Child deaths blamed on TikTok ‘blackout challenge’ spark outcry](#),” *CBS News*, (August 19, 2021).



mere 10 and 12-year-old.<sup>34</sup> These challenges not only make the videos go viral, but the kids and teens that engage in them are rewarded with positive feedback. They gain likes, followers, and comments that makes them want to keep engaging in them and encourages others to follow suit.

**Because of the anonymity the internet and social media offers, it has also become easier than ever to run into sexual abuse, harassment, and hate speech.** Kids face an alarming amount of sexual encounters and sexual abuse online. One in four kids between the age of 9 and 17 reported having a sexual encounter with someone they believed to be an adult on social media.<sup>35</sup> A study found 8 in 10 tweens and teens reported witnessing or experiencing bullying in 2020, and 9 in 10 witnessed violent subject matter.<sup>36</sup> In 55 percent of cases where a child blocked an aggressor, the aggressors quickly found the child again through creating a new account or going on another platform.<sup>37</sup> The percentage of teens who see racist content has also nearly doubled in the past two years.<sup>38</sup> Hate speech already targets vulnerable groups by race, gender, and sexual orientation, and it exacerbates negative mental health outcomes.

**Finally, algorithms also contribute to spreading misinformation and disinformation.** Our research shows that 77 percent of teens get their news from social media, and 39 percent of their news from influencers and celebrities.<sup>39</sup> Yet during the election season, platforms are often not fact-checking political content, labeling, demoting, or removing false or misleading posts, or removing hate speech and voter suppression content.<sup>40</sup> This could cause irreparable damage to our democracy, because teens are turning to these sources for valuable information as they get ready to participate in our democracy and civic activities such as voting.

Teens, and particularly teen girls, are helpless against a social media machine that is powered by algorithms that deliberately amplify hate, misinformation, and feeds images to teens of perfectly shaped individuals who they then compare themselves to as the standard of beauty.

### *III. Platforms Are Filled With and Promote Overly Commercial Content*

**Kids and teens are also subject to a high level of commercialism online.** Recent Common Sense research looking at children’s content on YouTube found advertising occurred in 95

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<sup>34</sup> Emerald Pellot, [“The TikTok Blackout Challenge Can Turn Fatal. Here’s what you need to know about the dangerous trend.”](#) In The Know, (2021).

<sup>35</sup> [Responding to Online Threats: Minors’ Perspectives on Disclosing, Reporting, and Blocking](#). Thorn (2021).

<sup>36</sup> Haley Zapa, [Bark’s Annual Report: 2020 Research on Teens and Tweens](#), (January 15, 2021).

<sup>37</sup> *Id.*

<sup>38</sup> Rideout, V., Fox, S., Peebles, A., & Robb, M. B. (2021). Coping with COVID-19: How young people use digital media to manage their mental health. San Francisco, CA: Common Sense and Hopelab.

<sup>39</sup> Robb, M. B. (2020), [“Teens and the News: The Influencers, Celebrities, and Platforms They Say Matter Most, 2020.”](#) San Francisco, CA: Common Sense Media.

<sup>40</sup> [“2020 Social Media Voter Scorecard.”](#) Common Sense Media, (2020).

percent of early childhood videos, highlighting just how pervasive it is.<sup>41</sup> It has also found that a third of children under eight years old report sometimes or regularly watching unboxing videos on YouTube, which basically serve as program-length advertisements.<sup>42</sup> Even on YouTube Kids, these videos are viewable by toddlers. Companies can also hide commercial content in advergames, which are online games that integrate advertising into a game to promote products.<sup>43</sup> These videos and games blur the line between an ad and content until there is virtually no distinction, which is especially unfair to kids whose brains are still developing and trying to learn the difference between the two.

**Their failure to identify content as an ad makes it easier to fall for the ad, making them a ripe target for monetization through in-app spending.** A recent study highlighted that teen apps are three times more likely to support in-app purchases than general audience apps.<sup>44</sup> Young and pre-literate children are not spared, as they are also encouraged to spend money within apps and games, often through getting berated by beloved cartoon characters if they do not spend any money.<sup>45</sup> Yet the fact that these in-app purchases involve actual money is typically not made clear to kids, who do not realize they are spending their parents' money.

**Overly commercial content also affects kids' well-being and habits.** For example, 40 percent of the videos from the top five kid influencers show food and drink items, and 90 percent of the videos showing unhealthy food and drink items are sponsored.<sup>46</sup> Children who viewed content with influencers with unhealthy snacks consumed significantly more food and significantly more unhealthy snacks specifically, compared to children who viewed influencers with nonfood products.<sup>47</sup>

#### **4. No Amount of Harms Will Lead Big Tech to Hold Themselves Accountable; It Is Time for Congress to Regulate Big Tech**

Addictive design features, algorithmic amplification of harmful content, and overly commercial content are just three of the many major harms social media inflicts on kids and teens and other vulnerable populations. **But the harms do not stop there, and as social media continues to**

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<sup>41</sup> Radesky, J. S. et al (2020), "[2020 Young Kids and YouTube: How Ads, Toys, and Games Dominate Viewing.](#)" San Francisco, CA: Common Sense Media.

<sup>42</sup> [Common Sense Census: Media Use by Kids Age Zero to Eight](#), Common Sense Media, (October 19, 2017).

<sup>43</sup> Soontae An, Hyun Seung Jin & Eun Hae Park (2014) Children's Advertising Literacy for Advergaming: Perception of the Game as Advertising, *Journal of Advertising*, 43:1, 63-72, DOI: 10.1080/00913367.2013.795123.

<sup>44</sup> [Risky Business: A New Study Assessing Teen Privacy in Mobile Apps](#), BBB National Programs, (October 2020).

<sup>45</sup> Meyer, M. et al, [Advertising in Young Children's Apps: A Content Analysis](#), *Journal of Developmental and Behavioral Pediatrics*, 2019 January;40(1):32-39.

<sup>46</sup> Alruwaily, A. et al. "[Child Social Media Influencers and Unhealthy Food Product Placement.](#)" *Pediatrics*, November 2020;146(5): e20194057. 10.1542/peds.2019-4057

<sup>47</sup> Coates AE, Hardman CA, Halford JCG, et al. "[Social Media Influencer Marketing and Children's Food Intake: A Randomized Trial.](#)" *Pediatrics*, 2019;143(4):e20182554.

**evolve, whether through Meta or other experiments with virtual reality, augmented reality, and artificial intelligence, Congress should be concerned that platforms will employ even more tools and strategies that hurt unsuspecting and vulnerable groups.**

**It is past time to take action to fix these problems.** A number of companies behind these platforms have shown they know they are hurting kids and other populations and undermining a shared understanding of facts – and they do not care. They are not simply turning a blind eye to harmful and misleading content on their platform, they are making intentional choices. They have designed their platforms to maximize views and engagement, which means emphasizing the very content that is harmful, exaggerated, or patently false - the modern day version of the National Enquirer newspaper and its daily - and intentionally false - headlines of two-headed babies or other sensations that used to greet most grocery store shoppers. **Time and time again, many of the companies that run social media platforms have shown us that they knowingly, and intentionally, undermine the well-being of children and our social fabric to maximize their profits. No amount of research will convince the CEOs of these platforms to do the right thing and keep online users safe. They cannot be trusted to regulate themselves.**

**Platforms' current practices are incentivized because they know that Section 230 of the Communications Decency Act can protect them.** Current law practically encourages companies to design their platforms with limited or virtually useless protections against harm. Reforming Section 230 is a necessary start to holding platforms accountable to not only kids and teens, but to the public at large, by imposing responsibility on platforms for the harmful content they amplify. **Common Sense supports a number of reforms to Section 230, including all four bills under consideration at today's hearing.** Chairman Pallone's Justice Against Malicious Algorithms Act would rightfully limit Section 230 liability protection when a platform knows or should know its algorithm is personally recommending content that is promoting or recklessly amplifying harmful content. Rep. Eshoo's Protecting Americans From Dangerous Algorithms Act would prevent platforms from using Section 230 as a defense in civil rights violations and terrorism cases if the platform used algorithms to disseminate and amplify the content. Rep. Clarke's Civil Rights Modernization Act would clarify that Section 230 is not a shield for civil rights violations stemming from targeted advertising. Rep. McEachin's Safeguarding Against Fraud, Exploitation, Threats, Extremism, and Consumer Harms Act would stop platforms from using Section 230 as a shield for issues related to ads or content that the platform is paid to make available. These bills, and other proposals from both sides of the aisle, deserve serious consideration and concrete action.

**In addition to reforming Section 230, however, there are other steps Congress needs to take to make the digital environment a healthier, safer, and more welcoming place for kids and teens, and the general public:**

- Congress should update and strengthen privacy protections for kids and teens, regulations that require platforms to act responsibly and transparently when kids and teens are on their platform. Specifically, Congress should update COPPA to cover kids older than 13 years of age and turn off the firehouse of data companies have on kids that enable them to exploit their vulnerabilities with targeted advertising and manipulative design. At the same time, Congress should adopt comprehensive privacy reform.
- Congress should authorize and fund independent and longitudinal research on the impact of the use of social media and digital technology on the cognitive, physical, and social emotional health of children and youth. This research, which we now know is conducted but kept secret by platforms, can inform policymakers, technology leaders, and parents about how to better design and interact with technology to the benefit of our kids' health.
- Congress should embrace other reforms, outside of Section 230, that would build a better internet for kids. For example, Congress should pass the KIDS Act, which would ban the manipulative design features, harmful algorithms, and overly commercial content that I have discussed today.

## 5. Conclusion

**Thank you again for your work to better understand the harms kids, teens, and our society face from today's outdated rules for the internet and for your efforts to hold Big Tech accountable. Despite the many obvious and welcome advantages digital technology offers, there is no question that current practices and policies are failing to protect kids, teens, and other vulnerable populations in an ever-evolving digital world that can inflict a wide range of harms on them. Congress can no longer wait for companies to correct their harmful practices by themselves; the moment has arrived for you to take concrete steps to protect kids, teens and our society from platforms' harmful impacts.**