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JUSTICE MICHAEL J. WILKINS
Former Associate Chief Justice, Utah Supreme Court

April 28, 2023

Mr. Tim Cook
CEO, Apple, Inc.
One Apple Park Way
Cupertino CA, 95014

Re: Apple App Store on 2023 Dirty Dozen List for Deceptive Rating System

Dear Mr. Cook,

We want to first thank you for the positive changes Apple has made in the past year to further protect children. The improvements to Screen Time in iOS 16 have allowed parents to engage Apple's safety controls more quickly, empowering them to better protect their children. And we hope that the Communication Safety feature in iMessage will prevent at least some children from the potentially life-altering, traumatic effects of [receiving](#)¹ or [sending sexually explicit content](#).²

We've also appreciated our relationship with your talented Trust and Safety Team, with whom we've been consulting since fall 2021 after the National Center on Sexual Exploitation and our ally, Protect Young Eyes, first sent you our letter advocating for ten critical iOS safety fixes (*letter attached*). As you know given our most recent correspondence from February 2023 (*letter attached*), NCOSE and PYE believe that Apple still has a number of significant flaws that continue to threaten children's safety and well-being, especially for those who do not have the privilege of informed and involved parents — or any parents at all.

At a time when teen mental health is on a steep decline and child exploitation continues to rise, Apple holds the unparalleled ability to drastically improve the safety and well-being of children — yet hasn't done so in any truly meaningful way for *all* your young users with the urgency the situation requires.

We are particularly concerned about the deceptive rating system of the Apple App Store, which misleads caretakers and results in serious harms to children — including exposure to predators and

dangerous content. While we acknowledge improvements within some of your products, the App Store has failed to take any positive steps toward child protection.

Apple tells caregivers they “should never have to worry about inappropriate content” in the App Store, and stresses that its age-rating system is there “so parents can determine what is appropriate for their children.”³ Sadly, the App Store’s age-ratings don’t deliver on that promise. Given Apple’s vast global impact, abundant resources, and the fact that [nearly 90% of US teens own an iPhone](#),⁴ **we feel an obligation to more publicly raise awareness of the extensive deception of the Apple App Store ratings in particular as they continue to put children at significant risk.**

Therefore, the **National Center on Sexual Exploitation is placing the Apple App Store on the 2023 Dirty Dozen List**—a campaign that names 12 mainstream contributors to sexual exploitation and abuse. This year’s Dirty Dozen List will be revealed on Tuesday, May 2, 2023. Specifically, we will be noting the following issues regarding the Apple App Store:

1. Grossly misleading and inconsistent age ratings
2. Deceptive app descriptions that don’t adequately describe the content, advertising, dangers, and features that minors may experience in a particular app⁵
3. Lack of enforcement of [Developer Guidelines](#),⁶ which state that ads must be appropriate for the app’s age rating (*section 1.3 Kids Category*)
4. Absence of a reporting system for apps that fail to adequately explain the types of content a user might experience

The case for fixing the Apple App Store rating system, as well as NCOSE’s and PYE’s recommendations for how this may be done, have been extensively outlined in our letters to you, as well as to the 50 US attorneys general. Therefore, we will not repeat them here again, but rather are attaching the aforementioned letters for your review and consideration.

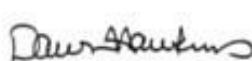
We’d like to make clear that although NCOSE and Protect Young Eyes have been close partners in our advocacy with Apple directly and through our joint Fix App Ratings Campaign of 2019, Protect Young Eyes was not part of the decision to include Apple App Store on the 2023 Dirty Dozen List. However, we have obtained PYE Founder and CEO Chris McKenna’s permission to make public our joint letters to Apple, as well our letter to 50 US attorneys general re: the deceptive Apple and Google app rating systems.

We are hopeful that Apple App Store will make the necessary changes and that Apple embraces being a global leader of both privacy protection *and* child protection. The world’s current and future children are counting on you.

Respectfully,



Patrick Trueman, Esq.
President



Dawn Hawkins
CEO

Cc:

Matt Fischer, Vice President and Head of Worldwide App Store

Katherine Adams, Senior Vice President and General Counsel

Phil Schiller, Apple Fellow

Jesse Blumenthal, Senior Manager

Attached are three joint National Center on Sexual Exploitation and Protect Young Eyes letters

Sent to Apple:

- 10 Critical iOS Child Safety Fixes_AppleLetterFINAL_08.09.21
- 4 Critical iOS Child Safety Fixes_ AppleLetterFINAL_02.20.23

Sent to 50 US Attorneys General:

- Letter to 50 Attorneys General re. Deceptive App Ratings

¹ NCOSE, *The Most Dangerous Playground is Now...in Our Kids' Pockets: Hardcore Pornography on Digital Devices Is Damaging America's Children* (National Center on Sexual Exploitation, 2023), https://endsexualexploitation.org/wp-content/uploads/Most-Dangerous-Playground_NCOSE_2023.pdf.

² NCOSE, "The Phenomenon of 'Sexting' and Its Risks to Youth," *National Center on Sexual Exploitation*, March 9, 2021, <https://endsexualexploitation.org/articles/the-phenomenon-of-sexting-and-its-risks-to-youth>.

³ "App Store Homepage," Apple, Inc., accessed April 13, 2023, www.apple.com/app-store.

⁴ "Taking Stock With Teens: Spring 2023 Survey," Piper Sandler, accessed April 21, 2023, <https://www.pipersandler.com/teens>.

⁵ For example, see the recent report of the Canadian Centre for Child Protection, *Reviewing the Enforcement of App Age Ratings in Apple's App Store and Google Play* (Winnipeg, Canada: Canadian Centre for Child Protection, 2022), https://protectchildren.ca/pdfs/C3P_AppAgeRatingReport_en.pdf.

⁶ "App Store Review Guidelines," App Store, Apple, last modified October 24, 2022, <https://developer.apple.com/app-store/review/guidelines>.



February 20, 2023

Mr. Tim Cook
Chief Executive Officer
Apple, Inc.
One Apple Park Way
Cupertino CA, 95014

RE: 4 Critical iOS Child Safety Fixes

Dear Mr. Cook:

We at Protect Young Eyes and the National Center on Sexual Exploitation wanted to thank you for the updates to iOS 16 that simplified parental controls on Apple devices. The streamlining of safety tools protects children and reduces the burden on their caretakers. Unfortunately, there are still several flaws in iOS that threaten children's safety and well-being, especially those who don't have the privilege of informed and involved parents. Please consider these four problems and some suggested solutions:

1. **Problem: The age-default "safety slider" is only accessible under the Family Checklist in Family Sharing.** The new age-default slider is the simplest and most comprehensive way to engage Screen Time protections, [but it is not easily discoverable](#). Additionally, the slider defaults Apple media (e.g., music, books, and podcasts) to "Explicit" for young teens, allowing them access to mature content automatically. Children who are thirteen should not be exposed to explicit content *by default*.

Solution: Consider adding the age-default slider to the top of the Family Sharing display and/or the Screen Time settings for each child. This slider should be the most obvious and accessible setting on every Apple product on which minors are being monitored. When Screen Time safety controls are *not* engaged, periodic push reminder notifications should be sent to parents and a red notification bubble kept visible next to Settings until setup is complete, similar to the reminders given for new Apple Pay users. Also, Apple media should default to "Clean" for young teens, restricting their access to explicit content automatically.

2. **Problem: App ratings are deceptive, [buried deep](#) in the app listing, and don't adequately describe the content, advertising, dangers, and features that minors may experience in the app.** Apple isn't enforcing its own [Developer Guidelines](#), which state that ads must be appropriate for the app's age rating. Children are being exposed to [mature in-app](#) advertisements that reference gambling, drugs, and sexual role-play for apps rated 17+, even when the app is rated 9+ or 12+. Further, there is no system in place to report apps that fail to adequately explain the types of content a user might experience.

We have campaigned for improvements to Apple's app rating system since 2019 when our [FixAppRatings.com](#) movement was created, and a series of [Congressional hearings](#) were held. At these hearings, witnesses testified about the [rampant child sexual exploitation](#) and [blatant rating incongruencies](#) found on apps targeting teens. In 2022, the Canadian Centre for Child Protection created a [44-page booklet](#) highlighting the child protection weaknesses found in the Apple App

Store. Despite these efforts, still nothing has changed regarding the Apple App Store rating system. We believe this app ratings deception represents a critical violation of child safety protocols and solutions must be found and implemented.

Recently, [15 attorneys general wrote a letter](#) asking Apple to change the TikTok rating to 17+ because they believed the current 12+ rating facilitated “the deception of consumers on a massive scale” due to the ease of finding harmful and explicit content unsuitable for children under 17 on the app. We were disappointed to see that instead of improving app store accuracy by correcting TikTok’s deceptive rating, Apple instead chose to quietly adjust YouTube’s rating down to 12+ after being appropriately rated at 17+ for many years. Because no public explanation was given, we cannot understand why this counterintuitive and deceptive ratings change was made.

Additionally, many experts have strongly voiced their concern that 13 is too young for children to be on social media, [including the United States Surgeon General](#). This is due to extensively documented dangers such as [risky features](#), exposure to adult strangers ([including predators](#)), [harmful content](#), [illegal drug activity](#), [concerns about healthy child development](#), [easy access to explicit content](#), and most recently, an [explosion of financial sextortion](#). None of these risks are clearly outlined in the current app descriptions.

Finally, apps that contain large amounts of explicit content (e.g.: Twitter, Reddit) are not clearly labeled as adult apps, and their user agreements allow children 13 and older to join. A [new study](#) found that Twitter is the platform on which the highest percentage of young people reported having seen sexual content (41%). The current App Store description for Twitter deceptively claims “Infrequent/mild sexual content and nudity.” This is blatantly untrue.

Solution: Create an accurate, accountable, obvious, and age-based app rating system with better and more detailed individualized descriptions. The Entertainment Software Ratings Board (ESRB) created a ratings system that could be reasonably applied to apps. This system is more universally understood and aligns with the current Children’s Online Privacy Protection Act (COPPA) minimum age requirement of 13 years old. Apple’s ratings framework should be replaced by a system like the ESRB with *detailed* feature descriptions. Apple must also start enforcing its Developer Guidelines related to the age appropriateness of in-app advertising.

We believe four components are necessary for an effective rating system:

- **Accurate ratings**
- **Accurate and detailed content descriptors**
- **Highly visible ratings**
- **A uniform and accountable system**

More details on these four components can be found in the attachment. This new rating system will provide critical transparency and accuracy for parents as they decide whether an app is safe for their children.

Finally, because Apple has the exact birthdate of the user, which was provided for their Apple ID, children should not be able to download apps with ratings that exceed their actual age without explicit consent from their caretakers. This consent could be given through Apple Family sharing. The Canadian Centre for Child Protection takes it a step further and recommends that [mature apps shouldn’t be suggested](#) to children in the Apple App Store.

3. **Problem: Apple’s “Downtime” is underdeveloped and offers incredibly limited options for customized screen time management.** The Downtime tool lacks the ability to create multiple time slots to turn off distracting apps during critical times like school, meals, and bedtime. [Multiple studies](#) have shown the negative consequences of unrestricted screen time during these critical developmental times.

Many schools have [banned cell phones](#) because they have been linked to [poor academic performance](#) and [rampant misuse](#). A recent survey by Common Sense Media also found that [30% of children](#) have been exposed to explicit content during school. Additionally, 1 in 3 children in the United States have [used cellphones to cheat on exams](#).

At bedtime, smartphone use has been linked to [less sleep](#), [poor sleep quality](#), [decreased sleep efficiency](#), and [depression](#). According to surveys, [20% of teens reported](#) waking up multiple times at night to check their social media accounts, causing them to feel “constantly tired” at school. Finally, children can be exploited and sexually groomed at night when parents are unable to supervise them.

Solution: Apple should provide more flexible parental control options for caretakers to block selected apps during multiple time slots throughout the day. Third-party paid subscription apps like “Our Pact” provide incredible precision for parents to control which apps can be accessed, downloaded, and the specific times children can use selected apps. Apple’s parental controls should more closely mimic the precision of such third-party apps.

Downtime setup must be streamlined and intuitive, and parents should be provided with notifications to engage these settings for children in their family sharing profile. Downtime time slots should be pre-labeled with names such as school, meals, and bedtime to reduce confusion, promote healthy screen breaks, and encourage proper setup by parents. Sufficient education and resources must be provided to help parents who may struggle with digital literacy or language barriers to help them properly engage these critical features.

4. **Problem: iMessage lacks basic protections.** Although we applaud the recent decision to use AI to detect potentially explicit content in iMessages, the iOS 16 update took a step backwards by allowing iMessages to be “unsent” for up to two minutes. With young brains, disappearing messages have historically been havens for [bullying](#), [sexting](#), [sextortion](#), and other behavior that is harmful to minors. Young children may also delete messages that parents should be aware of.

Furthermore, even though texting is a common “training ground” for young iPhone users, iMessage inexplicably lacks basic parental monitoring capabilities. Parents cannot prevent the deletion of messages or control message attachments. Although parents can turn on “communication safety” features using Screen Time tools, it is set to “off” by default. Additionally, warnings about potentially explicit incoming messages and self-created child sex abuse material are sent only to the children using the device. Parents are not alerted in either case.

Solution: As part of Screen Time, give parents the ability to block disappearing iMessages and remove the ability for iMessages to be deleted. Allow parents to receive notifications if their child sends or receives an explicit photo (for children 12 and under). This is imperative while young children are learning to use technology responsibly. Communications Safety should also be

turned on by default for all minors based on the age given for the Apple ID, not through Screen Time controls alone.

We have appreciated working with several members of Apple's Trust & Safety Team to identify solutions to these potentially harmful problems. Thank you for your time and we look forward to continuing to advise Apple about how to make your products as safe as possible for *all* your young users and to further empower parents to better prepare and protect their children online.

Sincerely,



Chris McKenna
CEO Protect Young Eyes
chrism@protectyoungeyes.com



Lina Nealon
Vice President & Director of Corporate Advocacy
National Center on Sexual Exploitation
lnealon@ncose.com

Attachment: The Four Protective Pillars of an Effective App Rating System

THE FOUR PROTECTIVE PILLARS OF AN EFFECTIVE APP RATING SYSTEM



The app rating systems used by Apple and Google **are inaccurate, lack sufficient details, aren't highly visible, are inconsistent, and there are few penalties for misrepresentations.** For the protection of children using these platforms, we believe an effective app ratings system must contain these four elements:

1. ACCURATE RATINGS

The content and features in many apps used by millions of children are **inappropriate, harmful, and dangerous.** TikTok, Snapchat, YouTube, and Instagram are rated “12+” by Apple and “Teen” by Google, yet these apps contain frequent and intense sexually explicit material, content promoting suicide and eating disorders, alcohol, tobacco, drug use references, and excessive profanity. Hashtag searches surface thousands of results on these topics and algorithms drive children to this potentially harmful content. Predators can also easily communicate with children through direct messaging. The Children's Online Privacy Protection Act (COPPA) requires children to be 13 years old to use social media and Apple's 12+ rating for most social platforms does not comply with this standard. These ratings inadequacies present real consequences to parents who depend on accuracy when making decisions for their children. Both app stores are facilitating the deception of consumers on a massive scale. **More accurate ratings must be assigned to major social media, video, and photo apps,** including the immediate action of correcting the rating for Instagram, Snapchat, TikTok, and YouTube from “12+” to “17+.”

2. ACCURATE CONTENT DESCRIPTORS

Currently, app content descriptors are generic and do not describe an app's true risks to children. In the Apple App Store ratings descriptions are broad and use deliberately vague terms like “infrequent,” which can confuse parents and create a false sense of security about an app's safety. Google Play descriptors are scant and hidden within support articles. **App descriptions must be expanded to include detailed content descriptors, interactive elements, and feature summaries of the risks unique to the app.** The Entertainment Software Ratings Board (ESRB) provides 30 easily understood content descriptors, under eight categories, to ensure that parents fully understand the potential risks in video games. App content descriptors should be similar to those used by the ESRB and consequences should be created for missing descriptors.

3. HIGHLY VISIBLE RATINGS

Current app descriptions are hidden deep within the app store listing and in support articles. The Apple ratings descriptions are located at the bottom of the App Store listing, obscured in drop-down menus. Google ratings descriptions aren't included in the app store listing itself and must be found within its “Help” articles. These practices contrast with the Motion Picture Association of America system, which reveals the anticipated rating and type of content in a movie *before* the movie begins. **App ratings and descriptors must be prominent so that parents and children are fully informed of the risks.**

4. UNIFORM AND ACCOUNTABLE SYSTEM

At present, there is no uniformity in the rating systems or accountability to consumers who are harmed through deceptive ratings and descriptions. Google and Apple use different app rating systems and neither system provides an appropriate warning to parents to inform them of the enormous risks that their children may face in an app. Similar to the ESRB, which is consistent across video game creators, both app stores should use industry-standardized descriptors and ratings. **Apple and Google must work together to protect children,** and provide consumers with the accuracy and transparency they deserve by creating a uniform and accountable rating system with penalties for inaccuracy.



NATIONAL
CENTER ON
SEXUAL
EXPLOITATION



PROTECT
YOUNG EYES

August 9, 2021

Mr. Tim Cook
Chief Executive Officer
Apple, Inc.
One Apple Park Way
Cupertino CA, 95014

RE: 10 Critical iOS Child Safety Fixes

Dear Mr. Cook,

Thank you for your significant announcement last week about Apple's efforts to curb the spread of child sexual abuse material. We are thrilled that you are taking a proactive approach to protecting children. These new features will undoubtedly prevent online abuses and enable parents to play a more informed role in how their children navigate technology.

Because of Apple's clear commitment to families, we would like to introduce you to our new #Default2Safety campaign. This campaign was created with input from parents and victims of online harm. We have also spent countless hours researching how device features could be improved to reduce exploitation. We hope you will carefully consider our ten critical changes that could further improve child safety on Apple devices. As a coalition of safety organizations, nonprofits, and parents, we represent thousands of individuals who join us in making this petition.

In June, Google announced that Chromebooks will start featuring new "safety by design" defaults based on the age of users.¹ Both TikTok and Instagram are now also implementing child protections based on the user's birthday. We are certain that Apple can meet and exceed the child safety standards currently being set by other tech companies.

Apple's current parental controls (called Screen Time) are riddled with backdoors and loopholes.² Additionally, Apple's app ratings can be inaccurate and are generic.³ Screen Time setup takes over 30 steps⁴ and many parents do not have the necessary time or knowledge to correctly complete the steps. Unfortunately, there are no automatic default protections for children even though the Apple ID requires the birthday of the child.⁵ Finally, it is not currently possible for parents to control app use during multiple critical times such as school, meals, and bedtime.

¹ Nealon, Lina (June 29, 2021). Major Victory! Google Defaults K-12 Chromebooks and Products to Safety. [Blog post]. Retrieved July 11, 2021, from: <https://endsexualexploitation.org>.

² Albergotti, Reed. (October 15, 2019). Teens Find Circumventing Apple's Parental Controls is Child's Play. [Article]. Retrieved June 29, 2021, from <https://washingtonpost.com>.

³ <https://fixappratings.com>

⁴ McKenna, Chris (October 17, 2020). Apple iOS Parental Controls [Article]. Retrieved June 29, 2021, from <https://protectyouneyes.com>

⁵ Fowler, Geoffrey. (August 23, 2018). We tested Apple's iOS12 Screen Time parental controls. First came tears – then frustration. [Article]. Retrieved Jun e29, 2021, from <https://www.washingtonpost.com/>.

Safety defaults ensure that all children, not just those with wealthy and involved parents, have equal opportunities for protection. We are encouraged that the Screen Time API will soon give outside safety apps improved access to iOS. But our research has shown that relying on third-party apps to fill holes left by Screen Time favors families with time, money, and tech skills.

We are asking Apple to implement the following ten changes to its parental controls:

1. Automatically engage age-based safety defaults during device setup using the birthday given for the Apple ID. Following Google's lead, the "safety by default" approach should also be implemented for all school-issued iPads.
2. Provide additional control over iMessages by giving parents the option to prevent iMessage deletion while their young children are learning to use technology responsibly.
3. Create an accurate, accountable, age-based app rating system with better, individualized descriptions. Currently, some app ratings and descriptions are so misleading that they could be considered "deceptive" under Section 5 of the Federal Trade Commission Act: Unfair or Deceptive Acts or Practices.
4. Close known backdoors and loopholes. For example, if parents remove Safari access, then Apple must find a way to disable in-app browsers. Multiple articles have been written about the many ways that kids easily circumvent Apple's current parental controls.⁶
5. Provide more flexible options for parents to block selected apps during multiple times throughout the day. Apple's "Downtime" is underdeveloped and offers incredibly limited options for screen time management. Imagine Downtime options labeled "School Mode" or "Bedtime" with access to emergency contacts, music, and the calculator.
6. Enforce Apple's published developer rules and remove apps, including Twitter and Reddit, that are breaking critical rules regarding violent and pornographic content. These platforms are not labeled as explicit apps, and their user agreements allow children ages 13+ to join.⁷
7. Block sexualized album covers and explicit song clips when Apple Music is set to "clean." Apple Music should have options that reflect its 4+ App Store rating.
8. Provide a toggle that enforces YouTube Restricted Mode across the entire device.
9. Expand on the recently announced use of on-device artificial intelligence by giving parents the option to receive notifications if their children under age 16 (rather than 13) send/receive explicit images. Also, consider allowing parents to use the same advanced technology in other scenarios, like web browsing, to block explicit content before young children are exposed.
10. Periodically review the top social media apps to ensure that they are adhering to best business practices for privacy, content moderation, and parental controls. Social media apps that do not adequately police harmful content should be given a more mature app rating or be removed from the App Store.

Your company has taken a significant step forward. We believe that you now have the unique **opportunity and responsibility** to further improve child safety and enrich the lives of millions of families. We are asking Apple to implement "safety by design" defaults, like Instagram, TikTok, and

⁶ McKenna, Chris. (October 4, 2019). 12 Ingenious Screen Time Hacks (and solutions) [Blog post]. Retrieved June 29, 2021, from <https://protectyouneyes.com>

⁷ Twitter User Agreement. Retrieved July 11, 2021, from: https://cdn.cms-twdigitalassets.com/content/dam/legal-twitter/site-assets/privacy-policy-new/Privacy-Policy-Terms-of-Service_EN.pdf

Google, and also to make other critical improvements. We welcome the opportunity to work together towards protecting vulnerable children and teens, especially those from marginalized communities.

Please respond by August 25, 2021, so that we can further this conversation in an appropriate timeframe. Responses can be sent to Dawn Hawkins, CEO of The National Center on Sexual Exploitation: dawn@ncose.com. Please copy Lina Nealon: lnealon@ncose.com and Chris McKenna: chrism@protectyoungeyes.com.

Sincerely,

***The National Center on Sexual Exploitation
Protect Young Eyes***

Attachment: Let's Make Apple Safer

Attachment: Why the Screen Time API Isn't the Solution At-Risk Children Need

Supporting Organizations:

Wait Until 8th
Healthy Screen Habits
The Save the Kids Foundation
Better Screen Time
Game Quitters
Star Guides Wilderness
EverySchool
Be Broken Ministries
Parents Aware
Hopeful Mom
Youth Wellbeing Project
Connecting to Protect
Be In Touch
Defend Young Minds

Citizens for Decency
End Exploitation Montana
Raising Today's Kids
Maryland Coalition Against Pornography
Lynn's Warriors
NextTalk
Educate Empower Kids
Thriving with 8
CEASE (Centre to End All Sexual Exploitation)
Walk Her Home
The Looking Up Foundation
eChildhood
Collective Shout

Individuals:

Melissa McKay, Child Advocate, RN
Todd Weiler, Utah State Senator
Brady Brammer, Utah State House of
Representatives
Katey McPherson, Child Advocate

LET'S MAKE APPLE SAFER

Defaulting to safety protects "at risk" and marginalized children.

With nearly 90% of teens owning an iPhone (Piper Sandler, 2021), **Apple has the unique responsibility to partner with parents in protecting their children.** In June, Google announced that Chromebooks will start featuring new "safety by design" defaults based on the age of users. Safety defaults ensure that all children, not just those with wealthy and involved parents, have equal opportunities for protection. Relying on third-party apps to fill holes left by Screen Time favors families with time, money, and tech skills.

Apple, please consider these ten critical improvements to protect kids:

1 SAFETY DEFAULTS

Automatically engage age-based safety defaults during device setup using the birthday given for the Apple ID. Examples include shutting off Safari and the App store for young users and engaging SafeSearch for teen users. Block explicit lyrics on music, mature book titles, NC-17 movies, and 17+ apps in the App store for minors and set AirDrop and privacy levels to their most restrictive settings.



2 iMESSAGE CONTROL

Provide greater control over iMessage by giving parents the option to prevent iMessage deletion while their young children are learning to use technology responsibly.



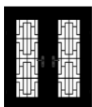
3 APP RATINGS

Create an accurate, accountable, age-based app rating system with better, individualized descriptions. Improvements should also include stricter requirements for third-party in-app advertisements. Currently it is not uncommon for mature ads to be shown on 4+ and 9+ rated apps and some are sexual in nature.



4 CLOSE BACKDOORS

Close known backdoors and loopholes. Example: If parents have removed Safari access, then Apple must find a way to disable in-app browsers. Multiple articles have been written about the many ways that kids can easily circumvent Apple's current parental controls.



5 IMPROVE "DOWNTIME"

Provide more flexible options for parents to block selected apps during multiple times throughout the day. Apple ScreenTime is underdeveloped and offers incredibly limited options for screen time management. Imagine Downtime options labeled "School Mode" or "Bedtime" with access to emergency contacts, music, and the calculator. Parents also need a "shut off the internet now" button that does not depend on pre-programmed settings.



6 ENFORCE APP RULES

Enforce Apple's published developer rules and immediately remove apps, including Twitter and Reddit, that are currently breaking critical rules regarding violent and pornographic content. These platforms are not clearly labeled as explicit apps, and their user agreements allow children ages 13+ to join.



7 CLEAN UP APPLE MUSIC

Block sexualized album covers and explicit song clips when Apple Music is set to "clean." Apple Music should have options that reflect its 4+ App Store rating.



8 YOUTUBE RESTRICTED

Provide a toggle that enforces YouTube Restricted Mode across the entire device.



9 EXPAND USE OF A.I.

Expand on the recently announced use of on-device artificial intelligence by giving parents the option to receive notifications if their children under age 16 (rather than 13) send/receive explicit images. Also, consider allowing parents to use the same advanced technology in other scenarios, like web browsing, to block explicit content before young children are exposed.



10 REVIEW SOCIAL APPS

Periodically review the top social media apps to ensure that they are adhering to best business practices for privacy, content moderation, and parental controls. Given their impact on children, social media apps that don't adequately police harmful content should be given a more mature app rating or removed from the App Store.



DEFAULT2SAFETY.COM



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PROTECT
YOUNG EYES

Why the Screen Time API Isn't the Solution At-Risk Children Need

#Default2Safety

At the 2021 Worldwide Developer's Conference (WWDC21), Apple announced the Screen Time API. This marked the first major update in three years to its parental controls. This upcoming iOS 15 update gives third-party safety apps improved access to Screen Time parental controls.⁸

Although we celebrate Apple's innovative improvements requested by the "screentimeapi.com" movement,⁹ the downsides of relying on subscription-based apps to protect children are apparent:

1. Many marginalized and at-risk children won't benefit.

Relying on third-party apps to fill holes left by Screen Time **favors families with time, money, and tech skills.**

2. Even educated and involved parents struggle with extra safety apps.

Setting up third-party software can be **incredibly complicated**. Automatic safety defaults (based on the age used in the Apple ID) immediately provide basic protections to all children. **Google recently implemented safety defaults** on every school issued Chromebook for this reason.

3. It doesn't fix other Screen Time deficiencies.

The Screen Time API **does not address the flaws** inherent in Apple's parental controls, including deceptive App Ratings, an abundance of backdoors and loopholes, and a lack of control over iMessages.

Apple, we applaud your continued innovation and ask that you now consider our ten critical Screen Time improvements. Although the Screen Time API is a move in the right direction, we continue to agree with Apple shareholders who stated that third-party solutions are "clearly no substitute for Apple putting these choices front and center for parents."¹⁰

We must strive to protect all children, especially those whose families cannot afford additional apps or who may not have the time or knowledge to install them properly.

⁸ Meet the Screen Time API. Retrieved August 5, 2021, from: <https://developer.apple.com/videos/play/wwdc2021/10123/>.

⁹ <https://screentimeapi.com/>.

¹⁰ Sheehan, Anne (January 18, 2019). Letter from Jana Partners & CalSTRS to Apple, Inc. [Letter]. Retrieved June 23, 2021, from: <https://corpgov.law.harvard.edu/>



March 9, 2023

The Honorable Austin Knudsen
Office of the Attorney General
Justice Building, Third Floor
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

RE: Deceptive Age Ratings in Apple App Store and Google Play

Dear Attorney General Knudsen:

On behalf of the National Center on Sexual Exploitation and Protect Young Eyes, we applaud your December 13 letters to Messrs. Cook and Pchai, demanding accurate age ratings for TikTok in Apple's and Google's respective app stores.

As leading child safety advocates and experts, we have witnessed the very real consequences of the deception experienced by families outlined in your letters. This deception extends across many apps used by millions of children, not just TikTok. To this end, our organizations have been pressing policymakers, as well as Apple and Google directly, since 2018 to remedy the gross inaccuracies and inconsistencies in the app age ratings process and app content descriptions. We urge you and your fellow attorneys general to consider expanding the specific requests you made of TikTok to other significant apps used by children, including Snapchat, Instagram, and YouTube.

This isn't the first time large entertainment companies have attempted to obscure the graphic content available through their products. In the early nineties, a series of congressional hearings with representatives from Nintendo and Sega were called to examine the extreme violence found in games such as Mortal Kombat and the potential harm it posed to children. At the time, Nintendo and Sega used different rating systems that were vague, disjointed, and deceptive — similar to Apple and Google today. An outcome of those hearings was the creation of the Entertainment Software Rating Board (ESRB) in 1994, which developed a unified and accurate ratings framework for video games sold in North America informing consumers and protecting children.

Despite the creation of this board, the ESRB model has not been applied to social media platforms, even though the actual risks and harms posed to children by these platforms are more egregious than anything seen in video games during the early 1990s.

Predators have unprecedented access to children through social media, video games, and other interactive technologies. They use these platforms to coerce, manipulate, or deceive minors with the intent to produce child sexual abuse material for their own use, to sell, or for sextortion.

Reports of online enticement of children to the National Center for Missing and Exploited Children (NCMEC) [increased by 97.5% between 2019 and 2020](#). A 2021 report by social media monitoring software Bark found that [10% of tweens and 21% of teens](#) encountered predatory behavior from someone online. Another study by anti-trafficking organization Thorn found that [1 in 7 children ages 9-12 shared their own nude images in 2020](#), with 50% of those children having sent them to

someone they had never met in real life (41% believed they were sending the images to an adult). And a [report released](#) in 2023 by Common Sense Media found that 75% of the teenagers surveyed had been exposed to pornography, which we know from countless studies, is [damaging to young people's health and well-being](#). It's no wonder the FBI has issued multiple warnings throughout 2022 about the [rise in sextortion](#) cases involving minors.

Recent testimony from the American Psychological Association's Chief Science Officer attempted to [educate policymakers](#) about why social media platforms are so potent for young, developing brains. According to a recent letter published by Fairplay, an organization dedicated to ending marketing to children through technology, the unprecedented rise in the use of social media by teens is happening at a time when teens are at increased risk for self-harm. According to the Center for Disease Control (CDC) [one in five teens](#) have considered suicide in 2021, making it the second leading cause of death for U.S. youth, and eating disorder emergency room admissions for teen girls ages 12 to 17 years old have [doubled](#) since 2019. Other illuminating data provided by Fairplay includes:

- Instagram has over [90,000 unique pro-eating disorder accounts](#) with a reach of 20 million followers. Children as young as 9 follow three or more pro-eating disorder accounts. Meta derives an estimated \$230 million annually from pro-eating disorder accounts.
- Over half (59%) of U.S. teens report being [bullied on social media](#), an experience linked to risky behaviors such as smoking and increased risk of [suicidal ideation](#).
- It's more difficult for young users to resist temptations to remain online ([Ang & Lee, 2017](#); [Somerville & Casey, 2010](#)), as full brain maturation typically does not occur until age 25, which leaves children and youth vulnerable to dozens of potential years of unregulated social media use.

In 2019, as a result of our grassroots campaign called [Fix App Ratings](#), Mr. McKenna, Founder and CEO of Protect Young Eyes, testified in a hearing called by the Senate Judiciary Committee titled [Protecting Innocence in a Digital World](#). He spoke about how ratings are both vague and deceptive. He suggested that both Google and Apple adopt a ratings system that is accurate, accountable, and transparent — like the ESRB — but nothing was done. Subsequent hearings called by the Senate Commerce Committee, which included testimony from executives representing Snapchat, TikTok, Facebook, and Instagram, also suggested the need for an overhaul to the app ratings process. Again, no changes were made by Apple or Google. Throughout 2021-2022, Protect Young Eyes, the National Center on Sexual Exploitation, and other child-protection organizations engaged Apple and Google directly, asking them to adopt these app store improvements. Unfortunately, these pleas have been largely ignored.

Even more, just two weeks after your letter regarding the inaccuracy of the TikTok rating, Apple quietly lowered YouTube's App Store rating from 17+ to 12+ after being appropriately rated at 17+ for a decade. There was no warning or explanation given to parents about why this change was made.

The FTC has clear guidelines that prohibit false and deceptive advertising under their ["Truth in Advertising" clause](#). We believe these statutes *could be* used to ensure legal consequences for those who perpetrate fraud on consumers.

We seek to not only improve the accuracy of the rating and description of TikTok and other social media apps, but also to hold Apple and Google accountable for *their* role in allowing multiple apps to perpetuate these deceptive practices. We've developed four pillars that describe what an overhaul to the app stores might look like and have included them in an addendum for your consideration.

We stand ready to assist you and your colleagues across the nation in your pursuit of protecting children against app store misrepresentations. We welcome the opportunity to share our research on the rating system, numerous survivor stories, and legislative and litigation options that we are currently pursuing. We look forward to hearing from you at your earliest convenience about how we may be of service.

Sincerely,

A handwritten signature in dark ink, appearing to read "P. Trueman".

Patrick A. Trueman
Attorney At Law
President, National Center on Sexual Exploitation

A handwritten signature in dark ink, appearing to read "Chris McKenna".

Chris McKenna
CEO, Protect Young Eyes

Attachment: Four Pillars of an Effective App Rating System

STATEMENT: THE APP RATINGS SYSTEM NEEDS A COMPLETE OVERHAUL AND SHOULD INCLUDE THESE FOUR PROTECTIVE PILLARS



The app rating systems used by Apple and Google are **inaccurate, lack sufficient details, aren't highly visible, are inconsistent, and there are few penalties for misrepresentations.** For the protection of children using these platforms, we believe an effective app ratings system must contain these four elements:

1. ACCURATE RATINGS

The content and features in many apps used by millions of children are **inappropriate, harmful, and dangerous.** TikTok, Snapchat, YouTube, and Instagram are rated “12+” by Apple and “Teen” by Google, yet these apps contain frequent and intense sexually explicit material, content promoting suicide and eating disorders, alcohol, tobacco, drug use references, and excessive profanity. Hashtag searches surface thousands of results on these topics and algorithms drive children to this potentially harmful content. Predators can also easily communicate with children through direct messaging. The Children's Online Privacy Protection Act (COPPA) requires children to be 13 years old to use social media and Apple's 12+ rating for most social platforms does not comply with this standard. These ratings inadequacies present real consequences to parents who depend on accuracy when making decisions for their children. Both app stores are facilitating the deception of consumers on a massive scale. **A universal standard for ratings must be created with penalties for misrepresentation.**

2. ACCURATE CONTENT DESCRIPTORS

Currently, app content descriptors are generic and do not describe an app's true risks to children. In the Apple App Store ratings descriptions are broad and use deliberately vague terms like "infrequent," which can confuse parents and create a false sense of security about an app's safety. Google Play descriptors are scant and hidden within support articles. **App descriptions must be expanded to include detailed content descriptors, interactive elements, and feature summaries of the risks unique to the app.** The Entertainment Software Ratings Board (ESRB) provides 30 easily understood content descriptors, under eight categories, to ensure that parents fully understand the potential risks in video games. App content descriptors should be similar to those used by the ESRB and consequences should be created for missing descriptors.

3. HIGHLY VISIBLE RATINGS

Current app descriptions are hidden deep within the app store listing and in support articles. The Apple ratings descriptions are located at the bottom of the App Store listing, obscured in drop-down menus. Google ratings descriptions aren't included in the app store listing itself and must be found within its “Help” articles. These practices contrast with the Motion Picture Association of America system, which reveals the anticipated rating and type of content in a movie *before* the movie begins. **App ratings and descriptors must be prominent so that parents and children are fully informed of the risks.**

4. UNIFORM AND ACCOUNTABLE SYSTEM

At present, there is no uniformity in the rating systems or accountability to consumers who are harmed through deceptive ratings and descriptions. Google and Apple represent a duopoly of app store content and yet the two companies cannot agree on a uniform app ratings system, penalties for inaccuracy, or what constitutes an appropriate warning to parents for the enormous risks their children may face in an app. **It's time for Apple and Google to work together to protect children and provide consumers with the accuracy and transparency they deserve by creating a uniform and accountable ratings system.**