



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.**