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Client Alert: Combatting Social Media Addiction Among Children

Popular social media platforms, such as Facebook, Instagram, Snapchat, TicToc and Twitter, have every incentive to keep users engaged for as long as possible. They are ad-based businesses that offer users their services free of charge because the "product" they sell is user *attention*. Greater engagement leads to more chances to glean user data and more opportunities to show paid content tailored to each user's interests. In recent years, numerous behavioral health experts have pointed out that social media developers deliberately design their products to be addictive. Meanwhile, there is growing evidence that constant use of social media among children and young adults may lead to significant mental harm and heightened behavioral health risk.

A survey of 1,500 young people in the U.K. found that constant participation on social media correlated to higher reported rates of depression, anxiety, sleeplessness, low self-esteem, and suicidal ideation. The intensity with which young adults conduct their social lives via digital platforms can be partially attributed to rapid, nearly ubiquitous, technological adoption. Over 95% of teenagers have access to a smartphone. The ability to instantly connect with others by sharing photos, videos, and status updates is simply a fact of life. The problem, however, is that even when technology impairs mental health, many teenagers cannot disengage. This is because social media platforms employ numerous addictive features intended to foster compulsive consumer use.

One common strategy is the use of reward schemes, such as "like" and "dislike" buttons, which take advantage of instinctive desires for social validation, reciprocity, and comparison to others. Users of social media are constantly reminded when their comments are read by their friends and informed of the popularity of their posts. Second, platforms offer "intermittent variable rewards," which the gambling industry calls the *slot machine effect*. Apps use 'pull-to-refresh' features, which require one to drag the screen downward (like a slot machine lever) in order to see new content. Exciting videos and new items come just often enough to reward continuous refreshing. Another strategy borrowed from casinos is the removal of natural stopping cues. Casinos typically remove clocks and windows so visitors do not suddenly leave when they notice the passage of time. Similarly, social media Apps have 'infinite scrolling' features to make user feeds essentially endless.

In September 2021, The Wall Street Journal obtained a trove of Facebook documents from a former executive and whistleblower, Frances Haugen. The paper reported that Facebook (which also owns Instagram) commissioned multiple internal studies which confirmed that its platforms negatively impacted adolescents, and were especially harmful to girls. As one executive summed up, "We make body issues worse for one in three teenage girls." The congressional hearings which ensued brought national attention to the problem of social media addiction among children. In the past month, legislators at both the national and state levels have introduced bills aimed to remedy social media's manipulative practices.

A California bill (AB 2408), introduced in March, would impose a duty on social media platforms not to addict child users. The legislation provides that a parent or guardian of a child harmed by an entity violating the statute could recover actual damages and additional civil penalties up $250,000 per child user. At the federal level, the Kids Online Safety Act (KOSA) was introduced in February. The bi-partisan proposal would impose responsibilities for tech platforms to protect children from harmful content and create settings enabling families to deactivate potentially addictive features.

The issue of social media and other digital addiction is likely to command increasing attention as the extent of our post-pandemic behavioral health crisis becomes clear. Although numerous providers and behavioral addiction centers recognize and treat patients for social media and internet addictions, insurance reimbursement and access to appropriate care are lagging. Currently, diagnostic manuals such DSM-5 or ICD-11, do not recognize internet & social media addictions as distinct compulsive disorders (akin gambling). Without wider acknowledgement and acceptance, clinicians may diagnose patients for depression, body dysmorphia, social anxiety, or insomnia, without recognizing that the underlying cause of harm includes social media use and dependence.

Nelson Hardiman regularly advises clients on new healthcare law and compliance. We offer legal services to businesses at every point in the commercial stream of medicine, healthcare, and the life sciences. For more information, please contact us.

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