

# LASSEN RICARD

**Sent by e-mail and registered mail**

META Platforms, Inc.  
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Menlo Park, California 94025  
United States

Meta Platforms Technologies, LLC  
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Menlo Park, California 94025  
United States

META Platforms Ireland Limited  
Merrion Road  
Dublin 4, D04 X2K5  
Ireland

29 September 2025  
Our ref. 110066 JBWH/JBWH  
Your ref.

Dear Sir/Madam,

## COMPLAINT

1 We write META Platforms, Inc., Meta Platforms Technologies, LLC, and META Platforms Ireland Limited (jointly “**META**”) as the Danish attorneys of the non-profit Foundation for Market Information Research (aka Stichting Onderzoek Marktinformatie or SOMI) (“**SOMI**”), Dutch reg. no. (KvK): 66169208, in order to demand that META:

- A. Promptly *cease and desist* their activities that are in violation of applicable law and protections of minors as described in more detail herein; and
- B. Provide *compensation* to the Danish victims of META’s violations of applicable law and protections of minors.

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## 1 ABOUT SOMI

2 SOMI is a non-profit organization that represents the interests of natural persons, especially consumers and minors, that use online services and whose rights are violated, including fundamental rights such as the right to non-discrimination, the right to privacy and data protection, consumer rights and rights that protect minors. SOMI is committed to act against parties that violate such rights.

3 SOMI believes that META has acted unlawfully and continues to act unlawfully towards users of META's platforms in Denmark (the "**Danish Users**"), in particular via META's Instagram and Facebook (jointly the "**META Products**").

4 SOMI is a foundation and cross-border qualified entity in conformity with the Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (Representative Actions Directive) and article 3:305a of the Dutch Civil Code as well as the Danish Class Actions Act (Law no. 406 of 25/04/2023).<sup>1</sup>

5 SOMI meets all the admissibility requirements for bringing a collective action against META in Denmark on behalf of the Danish Users.

## 2 META'S HISTORIC PATTERN OF VIOLATIONS

6 Since its beginning in 2006, META has exhibited a pervasive pattern of repeated disregard for the rights of consumers and applicable law.

7 In addition to *numerous* documented cases of privacy violations and unlawful handling of personal data, META has also repeatedly been cited for significant concerns regarding its practices relating to minors and the protection of their wellbeing.

8 In November 2017, META's founding president, Mr. Sean Parker, publicly rang the alarm and made statements to the press that META's products were knowingly harmful to children, such as:<sup>2</sup>

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<sup>1</sup> See: <https://eur-lex.europa.eu/eli/dir/2020/1828/oj/eng>; <https://representative-actions-collaboration.ec.europa.eu/cross-border-qualified-entities>; and <https://www.retsinformation.dk/eli/lt/2023/406>.

<sup>2</sup> See: <https://www.axios.com/2017/12/15/sean-parker-unloads-on-facebook-god-only-knows-what-its-doing-to-our-childrens-brains-1513306792>.

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*“God only knows what it's doing to our children's brains.”*

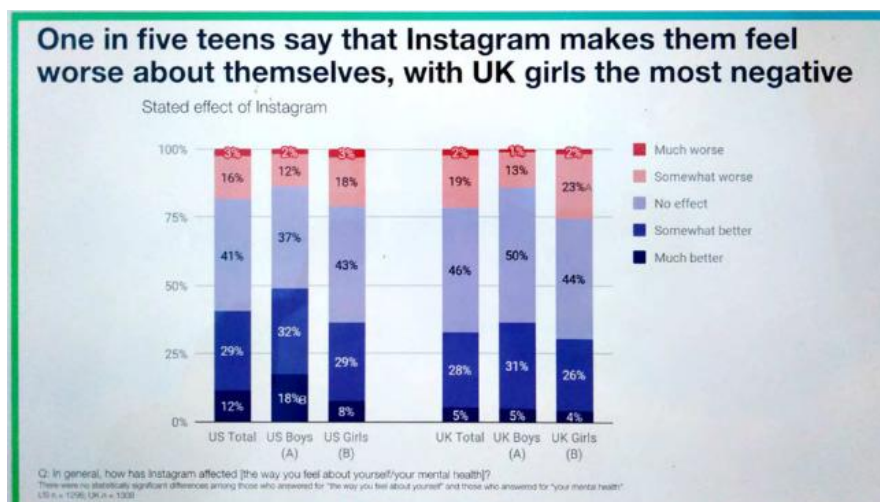
*“The thought process that went into building these applications, Facebook being the first of them, ... was all about: 'How do we consume as much of your time and conscious attention as possible?’”*

*“And that means that we need to sort of give you a little dopamine hit every once in a while, because someone liked or commented on a photo or a post or whatever. And that's going to get you to contribute more content, and that's going to get you ... more likes and comments.”*

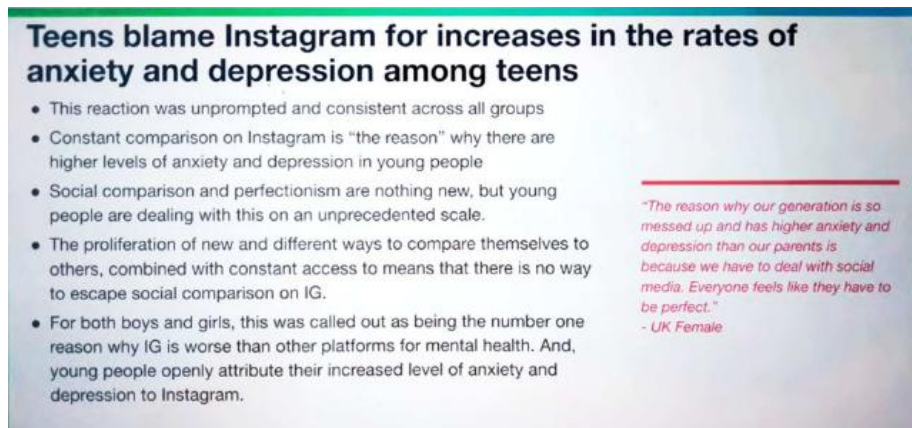
*“It's a social-validation feedback loop ... exactly the kind of thing that a hacker like myself would come up with, because you're exploiting a vulnerability in human psychology.”*

*“The inventors, creators — it's me, it's Mark [Zuckerberg], it's Kevin Systrom on Instagram, it's all of these people — understood this consciously. And we did it anyway.”*

- 9 In Fall 2021, The Wall Street Journal published a series of scathing articles about META and their products, citing and publishing *leaked internal* META research showing that META was well-aware that the META Products are harmful to minors. The documents, for example, included the following:<sup>3</sup>



<sup>3</sup> See: <https://www.wsj.com/tech/personal-tech/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739> and [The Facebook Files - WSJ](#) .



10 In October 2021, a former product manager at META, turned whistleblower, testified before the U.S. Congress and provided *internal* META research that the META Products were harming the mental health of minors.<sup>4</sup> The testimony included such statements as (quote):

*"But I am here today because I believe that Facebook's products harm children, stoke division, weaken our democracy and much more. The company's leadership knows ways to make Facebook and Instagram safer and won't make the necessary changes because they have put their immense profits before people."*

*"Working at four major tech companies that operate different types of social networks, I have been able to compare and contrast how each company approaches and deals with different challenges. The choices being made by Facebook's leadership are a huge problem — for children, for public safety, for democracy — that is why I came forward. And let's be clear: it doesn't have to be this way. We are here today because of deliberate choices Facebook has made."*

*"Many of Facebook's internal research reports indicate that Facebook has a serious negative harm on a significant portion of teenagers and children."*

*"Facebook knows its amplification algorithms, things like engagement based ranking on Instagram, can lead children from very innocuous*

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<sup>4</sup> See: <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-questions-facebook-whistleblower-frances-haugen>.

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*topics like healthy recipes...to anorexia promoting content over a very short period of time.”*

11 In October 2023, dozens of U.S. states took action against META by bringing a lawsuit in the U.S., alleging that META’s products, Instagram and Facebook, are knowingly designed and deployed with harmful features that purposefully addict children and teens and damage their mental health.<sup>5</sup> The New York Attorney General’s Office commenting (quote):

*“Meta has profited from children’s pain by intentionally designing its platforms with manipulative features that make children addicted to their platforms while lowering their self-esteem. Social media companies, including Meta, have contributed to a national youth mental health crisis and they must be held accountable. I am proud to join my fellow attorneys general to stop Meta’s harmful tactics and keep children safe online.”*

12 In November 2023, the former senior engineering and product leader at Facebook testified before the U.S. Congress that META was knowingly causing harm to children. The testimony, among other things, included (quote):<sup>6</sup>

*“Meta continues to publicly misrepresent the level and frequency of harm that users, especially children, experience on the platform. And they have yet to establish a goal for actually reducing those harms and protecting children. It’s time that the public and parents understand the true level of harm posed by these “products” and it’s time that young users have the tools to report and suppress online abuse.”*

*“When I returned in 2019, I was confounded. There were a great many motivated and talented team members working on online safety. But no one on that team was aware of the work we had done at Facebook and the lessons we had learned four years earlier. The group at Instagram and the talented internal research teams had developed some very troubling evidence that young teens were experiencing great distress and abuse on the Instagram platform. But senior management was externally reporting different data that grossly understated the frequency of harm experienced by users.”*

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<sup>5</sup> See: <https://ag.ny.gov/press-release/2023/attorney-general-james-and-multistate-coalition-sue-meta-harming-youth>.

<sup>6</sup> See: <https://www.judiciary.senate.gov/committee-activity/hearings/social-media-and-the-teen-mental-health-crisis>.

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<sup>13</sup> In April 2025, a former director of global public policy at META, turned whistleblower, testified before the U.S. Congress and confirmed that META was prioritizing profits over the safety of children. The testimony, among other things, included (quote):<sup>7</sup>

*“Senator, that was one of the things that shocked me when I moved to Silicon Valley is that it's a place full of wooden Montessori toys and executives would always speak about how they have screen bands in the house or I would say, oh, has your teen used the new product we're about to launch? And they're like, my teenager's not allowed on Facebook. I don't have my teenager on Instagram. These executives they know. They know the harm that this product does. They don't allow their own teenagers to use the products that Meta develops. I mean the hypocrisy is at every level.”*

<sup>14</sup> Instead of acknowledging and remedying the harmful practices as evidenced by META's own research and countless other reports, META has expanded on them and continued to deflect and cover-up.

<sup>15</sup> As late as in this September 2025, two former META safety researchers, turned whistleblowers, testified before the U.S. Congress and confirmed that META has actively covered-up continued harms to children, rather than make their products safe.<sup>8</sup> The testimony, among other things, included (quote):

*“I worked at Meta from 2018 to 2024. During these six years, I witnessed data scandals, multiple disclosures about Meta's disregard for user safety and children's mental health, and mounting public pressure against Meta. I saw the company respond to these pressures by deliberately compromising internal processes, policies, and research to protect company profits over users.”*

*“In the Fall of 2021, Frances Haugen disclosed to Congress how Meta's products fuel mental health issues for teens, including body dysmorphia and self-harm. Meta's immediate response to Congressional concern was not to do the right thing, but rather, roll out new processes and policies to manipulate, control, and erase data.”*

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<sup>7</sup> See: <https://www.techpolicy.press/transcript-former-exec-sarah-wynnwilliams-testifies-on-facebooks-courtship-of-china/>.

<sup>8</sup> See: <https://www.judiciary.senate.gov/committee-activity/hearings/hidden-harms-examining-whistleblower-allegations-that-meta-buried-child-safety-research>.

*“Meta’s corruption of research for their own protection isn’t limited to a certain product like VR, but rather, it is what defines the past, present, and future of Meta’s products. In my work at Meta, I collaborated across multiple areas and saw how Meta had the same purposeful avoidance in addressing user safety across all their future-facing technologies.”*

*“Previous whistleblowers have come before this body to publicly testify to the suffering adults and children experience using Meta’s products. Meta has promised it would change. I am here to tell you that Meta has changed, and that these changes have been for the worse. Meta has spent the time and money it could’ve spent making its products safer shielding itself instead, all the while developing emerging technologies which pose even greater risk to children than Instagram.”*

16 It is clear from these examples that META prioritizes maximizing its business over the wellbeing of its users, in particular children, and that META fails to abide its obligations under applicable laws.

### 3 META’S VIOLATION OF PROTECTIONS OF MINORS

#### 3.1 META’s harmful activities

17 The META Products employ “addiction by design” --- sophisticated psychological mechanisms designed to capture and maintain user attention, particularly among vulnerable young users.<sup>9</sup>

18 The foundation of the META Products lies in how they manipulate the brain's dopamine pathways. Every interaction — likes, comments, shares, or notifications — triggers dopamine release in the nucleus accumbens, the same brain region activated by addictive substances like drugs and alcohol. This creates what

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<sup>9</sup> See Debasmita De et al., *Social Media Algorithms and Teen Addiction: Neurophysiological Impact and Ethical Considerations* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC11804976/>); Kagan Kircaburin et al., *Instagram addiction and the Big Five of personality: The mediating role of self-liking* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC6035031/>); Christian Montag et al., *On Social Media Design, (Online-)Time Well-spent and Addictive Behaviors in the Age of Surveillance Capitalism* (<https://link.springer.com/article/10.1007/s40429-023-00494-3>); Alejandro L. Mujica et al., *ADDICTION BY DESIGN: Some Dimensions and Challenges of Excessive Social Media Use* (<https://esmed.org/MRA/mra/article/view/2677>); Anna Lembke, *Dopamine Nation: Finding Balance in the Age of Indulgence*; Sergey Yu Tereshchenko, *Neurobiological risk factors for problematic social media use as a specific form of Internet addiction: A narrative review* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC10251362/>); <https://www.apa.org/topics/social-media-internet/youth-social-media-2024>.



researchers call a “dopamine cycle” where users experience desire, anticipation of rewards, and temporary satisfaction, followed by a return to craving.<sup>10</sup>

19 Variable reward schedules form the cornerstone of this addictive design. Similar to slot machines, the META Products provide unpredictable rewards — users never know when they will receive likes, comments, or engaging content. This uncertainty creates persistent engagement as the brain remains in a heightened state of anticipation, constantly seeking the next dopamine hit. Unlike random slot machines, the META Products analyse user data and behaviour to optimize this addictive cycle, making it particularly dangerous for children whose developing brains have reduced impulse control and executive functions.<sup>11</sup>

### 3.1.1 Algorithmic Manipulation

20 META’s social media algorithms represent sophisticated AI-powered addiction engines. These systems analyze user behavior — likes, shares, comments, time spent viewing content — and build user profiles for purposes of creating increasingly personalized and addictive feeds.

21 Realizing this, META actively moved from chronological feeds to algorithmic designed engagement-based feeds in 2009 (for Facebook) and 2016 (for Instagram).

22 The algorithms are designed to maximize "time on device" by continuously serving content that triggers dopamine responses. This creates what researchers term a “flow experience” characterized by enjoyment, concentration, and time distortion that makes users lose track of time and reality.<sup>12</sup>

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<sup>10</sup> See Meshi et al., *Nucleus accumbens response to gains in reputation for the self relative to gains for others predicts social media use* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC3757324/>); Andrew Westbrook et al., *Stratial dopamine synthesis capacity reflects smartphone social activity* ([https://www.cell.com/iscience/fulltext/S2589-0042\(21\)00465-X](https://www.cell.com/iscience/fulltext/S2589-0042(21)00465-X)).

<sup>11</sup> See Mark D. Griffiths, *Adolescent Social Networking: How Do Social Media Operators Facilitate Habitual Use?* ([https://www.researchgate.net/publication/328801640\\_Adolescent\\_social\\_networking\\_How\\_do\\_social\\_media\\_operators\\_facilitate\\_habitual\\_use](https://www.researchgate.net/publication/328801640_Adolescent_social_networking_How_do_social_media_operators_facilitate_habitual_use)); Rasan Burhan et al, *Neurotransmitter Dopamine (DA) and its Role in the Development of Social Media Addiction* (<https://www.iomeworld.org/open-access/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction-59222.html>); Tariq Masri-zada et al., *The Impact of Social Media & Technology on Child and Adolescent Mental Health* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC12165459/pdf/nihms-2084678.pdf>).

<sup>12</sup> See Andrew M. Guess et al., *How do social media feed algorithms affect attitudes and behavior in an election campaign?* (<https://www.science.org/doi/10.1126/science.abp9364>); Debasmita De et al, *Social Media Algorithms and Teen Addiction: Neurophysiological Impact and Ethical Considerations* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC11804976/>).



## 3.1.2 Infinite Scrolling

<sup>23</sup> The infinite scroll feature found in the META Products eliminates natural stopping points, creating endless content streams that make disengagement extremely difficult. This design pattern taps into variable-ratio reinforcement, where users continuously scroll hoping to discover something rewarding, creating what is described as an “entertainment spiral”. This design pattern eliminates natural stopping points, exploiting what psychologists call “unit bias” - the human tendency to finish something we started. When content never ends, users continue scrolling mindlessly without time to consider whether the activity benefits them. Users switch between posts frequently on social media, with each transition providing a dopamine hit that reinforces continued scrolling.<sup>13</sup>

## 3.1.3 Notifications and Alerts

<sup>24</sup> Notifications serve as constant triggers that interrupt daily activities and create feelings of urgency. These alerts are designed to be irresistible, with the META Products sending notifications even when they are not directly relevant to users — such as alerts about groups or pages they have shown minimal interest in. The American Psychological Association identifies push notifications as particularly risky for young people, whose developing brains are less able to resist addictive experiences.<sup>14</sup>

## 3.1.4 Social Validation, Likes-feature

<sup>25</sup> The “likes”-feature represents another psychologically manipulative feature of the META Products. Each “like” delivers an instant dopamine reward, with the unpredictable nature of likes creating addiction-like patterns. Research shows that receiving fewer likes than expected triggers feelings of rejection and negative emotional responses in adolescents. These effects are associated with greater depressive symptoms both immediately and longitudinally. The system exploits young people's developmental need for peer approval and social status during a

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<sup>13</sup> See Jan Ole Rixen et al., *The Loop and Reasons to Break It: Investigating Infinite Scrolling Behaviour in Social Media Applications and Reasons to Stop* ([https://www.uni-ulm.de/fileadmin/website\\_uni\\_ulm/iui.inst.100/1-hci/hci-pap](https://www.uni-ulm.de/fileadmin/website_uni_ulm/iui.inst.100/1-hci/hci-pap)); Alina Poles, *Impact of Social Media Usage on Attention Spans* ([https://www.scirp.org/pdf/psych\\_6904734.pdf](https://www.scirp.org/pdf/psych_6904734.pdf)); Ling-Ling Xia et al., *Effects of Online Game and Short Video Behavior on Academic Delay of Gratification - Mediating Effects of Anxiety, Depression and Retrospective Memory* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC10615256/>).

<sup>14</sup> See American Psychological Association, *Potential risks of content, features, and functions: The science of how social media affects youth* (<https://www.apa.org/topics/social-media-internet/youth-social-media-2024>); Jasleen Chhabra et al., *Social Media and Youth Mental Health: Scoping Review of Platform and Policy Recommendation* (<https://www.jmir.org/2025/1/e72061>).

critical period of identity formation. Adolescents who already face peer victimization in real life are especially vulnerable to these digital validation cycles.<sup>15</sup>

<sup>26</sup> The META Products create environments designed for constant social comparison. Young users spend the majority of their time on META Products viewing others' profiles and posts, leading to persistent upward comparisons with curated highlight reels. Research indicates that Instagram is particularly harmful for social comparison because it is perceived as real life but based on celebrity standards.<sup>16</sup>

<sup>27</sup> The validation-seeking behavior is reinforced through "gamification" elements, for example: Badges and achievements; and metrics and numbers, where likes, followers, and views become measures of self-worth.<sup>17</sup>

## 3.1.5 FOMO, Time-sensitive Features

<sup>28</sup> Ephemeral content like Instagram Stories and Facebook Stories leverage "Fear of Missing Out" (aka FOMO) by creating artificial scarcity. The time-dependent disappearance creates urgency, compelling users to check content before it vanishes forever. This temporary nature intensifies FOMO and drives compulsive checking behaviors.<sup>18</sup>

<sup>29</sup> FOMO drives users to compulsively check the META Products to avoid missing rewarding experiences. This creates a vicious cycle: anxiety about missing out prompts frequent checking, which increases awareness of missed events, which amplifies anxiety.<sup>19</sup>

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<sup>15</sup> See Hae Yeon Lee et al., *Getting Fewer "Likes" Than Others on Social Media Elicits Emotional Distress Among Victimized Adolescents* (<https://pmc.ncbi.nlm.nih.gov/articles/PMC7722198/pdf/nihms-1591256.pdf>); Michael Wadsley et al., *The Predictive Utility of Reward-Based Motives Underlying Excessive and Problematic Social Networking Site Use* ([https://pmc.ncbi.nlm.nih.gov/articles/PMC9483697/pdf/10.1177\\_00332941211025271.pdf](https://pmc.ncbi.nlm.nih.gov/articles/PMC9483697/pdf/10.1177_00332941211025271.pdf)).

<sup>16</sup> See Jasmine Fardouly et al., *Social comparisons on social media: The impact of Facebook on young women's body image concerns and mood* (<https://www.sciencedirect.com/science/article/abs/pii/S174014451400148X>); Luca Braghieri et al., *Social Media and Mental Health* (<https://www.aeaweb.org/articles?id=10.1257%2Faer.20211218&ref=twelvetables.blo>).

<sup>17</sup> See Paula Bitrián et al., *Enhancing user engagement: The role of gamification in mobile apps* (<https://www.sciencedirect.com/science/article/pii/S0148296321002666>).

<sup>18</sup> See Sora Park, *FOMO, Ephemerality, and Oline Social Interaction among Young People* (<https://www.tandfonline.com/doi/abs/10.1215/18752160-7218675>).

<sup>19</sup> See Ine Beyens et al., *"I don't want to miss a thing": Adolescents' fear of missing out and its relationship to adolescents' social needs, Facebook use, and Facebook related stress*

## 3.1.6 Beauty Filters and Body Editing

<sup>30</sup> Instagram's beauty filters create unrealistic beauty standards that contribute to body dysmorphic disorder. These tools allow users to smooth skin, enlarge eyes, reshape faces, and create digitally perfect appearances that are impossible to achieve naturally. The prevalence of filtered content has led to teens seeking cosmetic surgery to look like their filtered photos. Research indicates that frequent use of photo-editing features is significantly associated with body dysmorphic disorder symptoms and body dissatisfaction.<sup>20</sup>

## 3.1.7 META is Targeting a Vulnerable User-base

<sup>31</sup> Adolescents are particularly susceptible to and affected by these addictive features due to their developmental vulnerability. During adolescence, the brain's reward system is more sensitive while impulse control systems are still developing. Young people are biologically predisposed to seek social validation and peer approval, making them ideal targets for platforms that monetize attention as with the META Products.<sup>21</sup>

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(<https://www.sciencedirect.com/science/article/abs/pii/S0747563216304198>); Ursula Oberst et al., *Negative consequences from heavy social networking in adolescents: The mediating role of fear of missing out* (<https://www.sciencedirect.com/science/article/abs/pii/S0140197116301774>).

<sup>20</sup> See Jaime Sidani et al., *The Association between Social Media Use and Eating Concerns among US Young Adults* (<https://pubmed.ncbi.nlm.nih.gov/27161027/>); Melissa R. Laughter et al., *Psychology of aesthetics: Beauty, social media, and body dysmorphic disorder* (<https://www.sciencedirect.com/science/article/abs/pii/S0738081X23000299>).

<sup>21</sup> See Amber Barthope et al., *Is social media screen time really associated with poor adolescent mental health? A time use diary study* (<https://www.sciencedirect.com/science/article/abs/pii/S0165032720306182>); Xiangyu Tao et al., *Exposure to Social Media Racial Discrimination and Mental Health among Adolescents of Color* (<https://link.springer.com/article/10.1007/s10964-021-01514-z>); European Commission, Joint Research Centre, [https://joint-research-centre.ec.europa.eu/jrc-explains/why-are-children-and-adolescents-vulnerable-social-media\\_en](https://joint-research-centre.ec.europa.eu/jrc-explains/why-are-children-and-adolescents-vulnerable-social-media_en); Amy Orben et al., *Windows of developmental sensitivity to social media* (<https://www.nature.com/articles/s41467-022-29296-3>); Konkurrence- og Forbrugerstyrelsen, *Børn og unges brug af sociale medier og trivsel* (<https://kfst.dk/temaer/boern-og-unges-brug-af-sociale-medier-og-trivsel>); Chaelin K Ra et al., *Association of Digital Media Use With Subsequent Symptoms of Attention-Deficit/Hyperactivity Disorder Among Adolescents* (<https://pubmed.ncbi.nlm.nih.gov/30027248/>); Jasmina Wallace et al., *Screen time, impulsivity, neuropsychological functions and their relationship to growth in adolescent attention-deficit/hyperactivity disorder symptoms* (<https://pubmed.ncbi.nlm.nih.gov/37872184/>); Jason M. Nagata et al., *Prevalence and Patterns of Social Media Use in Early Adolescents* (<https://pubmed.ncbi.nlm.nih.gov/39800219/>); Ugeskrift for Læger, *Skærmbrug og børn og unges mentale sundhed* (<https://ugeskriftet.dk/videnskab/skaermbrug-og-boern-og-unges-mentale-sundhed>);

<sup>32</sup> Research shows that youth with existing disorders or mental health challenges are at even higher risk for social media addiction. <sup>22</sup>

### 3.1.8 Concluding on the Harms caused by META Products

<sup>33</sup> The combination of these addictive features creates significant psychological consequences for young users, including increased rates of depression, anxiety, body image issues, sleep disruption, and decreased academic performance. The META Products’ design deliberately exploits psychological vulnerabilities to maximize profit through advertising revenue, essentially treating children as products to be sold to advertisers.

<sup>34</sup> These features work synergistically to create what can best be described as “digital heroin” — products specifically engineered to be as addictive as possible while generating maximum revenue from young users’ attention and data. <sup>23</sup>

## 3.2 Violations of laws and protections

<sup>35</sup> META’s harmful activities are, among other things, in violation of the rules and protections found in the EU AI Act, the EU Digital Services Act, the GDPR, the Danish Market Practices Act, and the Danish product liability regulation.

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<sup>22</sup> See Claudia Marino et al., *The association between problematic Facebook use, psychological distress and well-being among adolescents and young adults: A systematic review and meta-analysis* (<https://www.sciencedirect.com/science/article/abs/pii/S0165032717307012>).

<sup>23</sup> See <https://www.digitaltansvar.dk/viden/analyser>; Yvonne Kelly et al., *Social Media Use and Adolescent Mental Health: Findings From the UK Millenium Cohort Study* ([https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370\(18\)30060-9/fulltext?ref=quillet.com](https://www.thelancet.com/journals/eclinm/article/PIIS2589-5370(18)30060-9/fulltext?ref=quillet.com)); Hassan E. Sadegheyani et al., *Investigating the role of social media on mental health* (<https://www.emerald.com/mhsi/article-abstract/25/1/41/295958/Investigating-the-role-of-social-media-on-mental?redirectedFrom=fulltext>); Alia Abi-Jaoude et al., *Smartphones, social media use and youth mental health* (<https://www.cmaj.ca/content/192/6/E136.short>); Meyran Boniel-Nissim et al., *Adolescent use of social media and associations with sleep patterns across 18 European and North American countries* (<https://www.sciencedirect.com/science/article/pii/S2352721823000050>); W.C. Lin, *Association between In-stagram addiction and well-being: the role of resilience and self-esteem* ([https://academic.oup.com/eurpub/article/33/Supplement\\_2/ckad160.1581/7328509](https://academic.oup.com/eurpub/article/33/Supplement_2/ckad160.1581/7328509)); Henri Lahti et al., *Social media threats and health among adolescents: evidence from the health behaviour in school-aged children study* (<https://capmh.biomedcentral.com/articles/10.1186/s13034-024-00754-8>); Yunyu Xiao, *Addictive Screens Use Trajectories and Suicidal Behaviors, Suicidal Ideation, and Mental Health in US Youths* (<https://jamanetwork.com/journals/jama/article-abstract/2835481>); Jiale Wang et al., *Social network site addiction, sleep quality, depression and adolescent difficulty describing feelings: a moderated mediation model* (<https://bmcp psychology.biomedcentral.com/articles/10.1186/s40359-025-02372-1>); Lucas Silva Lopes et al., *Problematic Social Media Use and Its Relationship with Depression or Anxiety: A Systematic Review* (<https://www.liebertpub.com/doi/abs/10.1089/cyber.2021.0300?journalCode=cyber>).

<sup>36</sup> They are also in conflict with the rights of children as enshrined in Article 24 of the EU Charter and in the United Nations Convention on the Rights of the Child as further developed in the UNCRC General Comment No. 25 as regards the digital environment.<sup>24</sup>

<sup>37</sup> Furthermore, META cannot avoid its obligations by seeking a spurious consent or agreement from Danish minors. Apart from the below regulations, reference is in this respect also made to S. 1 of the Danish Guardianship Act (da: *Værgemålsloven*).<sup>25</sup>

### 3.2.1 The EU AI Act

<sup>38</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (“**EU AI Act**”) provides for special protection of minors by prohibiting harmful AI systems pursuant to its Article 5 which took effect on 2 February 2025.<sup>26</sup>

<sup>39</sup> Recital 28 of the EU AI Act provides that (quote, our emphasis) “[a]side from the many beneficial uses of AI, it can also be misused and provide novel and powerful tools for manipulative, exploitative and social control practices. Such practices are particularly harmful and abusive and should be prohibited because they contradict Union values of respect for human dignity, freedom, equality, democracy and the rule of law and fundamental rights enshrined in the Charter, including the right to non-discrimination, to data protection and to privacy and the rights of the child.”

<sup>40</sup> Recital 29 of the EU AI Act provides that (quote, our emphasis) “AI-enabled manipulative techniques can be used to persuade persons to engage in unwanted behaviours, or to deceive them by nudging them into decisions in a way that subverts and impairs their autonomy, decision-making and free choices. The placing on the market, the putting into service or the use of certain AI systems with the objective to or the effect of materially distorting human behaviour, whereby significant harms, in particular having sufficiently important adverse impacts on physical, psychological health or financial interests are likely to

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<sup>24</sup> See: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-25-2021-childrens-rights-relation>.

<sup>25</sup> See: <https://www.retsinformation.dk/eli/lt/2021/1122>.

<sup>26</sup> See: <https://eur-lex.europa.eu/eli/reg/2024/1689/oj/eng>.

*occur, are particularly dangerous and should therefore be prohibited. Such AI systems deploy subliminal components such as audio, image, video stimuli that persons cannot perceive, as those stimuli are beyond human perception, or other manipulative or deceptive techniques that subvert or impair person's autonomy, decision-making or free choice in ways that people are not consciously aware of those techniques or, where they are aware of them, can still be deceived or are not able to control or resist them. (...). In addition, AI systems may also otherwise exploit the vulnerabilities of a person or a specific group of persons due to their age, disability within the meaning of Directive (EU) 2019/882 of the European Parliament and of the Council, or a specific social or economic situation that is likely to make those persons more vulnerable to exploitation such as persons living in extreme poverty, ethnic or religious minorities. Such AI systems can be placed on the market, put into service or used with the objective to or the effect of materially distorting the behaviour of a person and in a manner that causes or is reasonably likely to cause significant harm to that or another person or groups of persons, including harms that may be accumulated over time and should therefore be prohibited. It may not be possible to assume that there is an intention to distort behaviour where the distortion results from factors external to the AI system which are outside the control of the provider or the deployer, namely factors that may not be reasonably foreseeable and therefore not possible for the provider or the deployer of the AI system to mitigate. In any case, it is not necessary for the provider or the deployer to have the intention to cause significant harm, provided that such harm results from the manipulative or exploitative AI-enabled practices. The prohibitions for such AI practices are complementary to the provisions contained in Directive 2005/29/EC of the European Parliament and of the Council, in particular unfair commercial practices leading to economic or financial harms to consumers are prohibited under all circumstances, irrespective of whether they are put in place through AI systems or otherwise. (...) . In addition, common and legitimate commercial practices, for example in the field of advertising, that comply with the applicable law should not, in themselves, be regarded as constituting harmful manipulative AI-enabled practices.”*

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Article 5(1)(a) and (b) of the EU AI Act prohibits AI systems from being placed on the market, put into service or used if such AI system (quote) “deploys subliminal techniques beyond a person’s consciousness or purposefully manipulative or deceptive techniques, with the objective, or the effect of materially distorting the behaviour of a person or a group of persons by appreciably impairing their ability to make an informed decision, thereby causing them to take a decision that they would not have otherwise taken in a manner that causes or is reasonably likely to cause that person, another person or group of persons significant harm” or “exploits any of the vulnerabilities of a natural person or a specific group of persons due to their age, disability or a specific social or economic

*situation, with the objective, or the effect, of materially distorting the behaviour of that person or a person belonging to that group in a manner that causes or is reasonably likely to cause that person or another person significant harm”.*

### 3.3 The EU Digital Services Act

<sup>42</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (the “**DSA**”) also provides for protections of minors.<sup>27</sup>

<sup>43</sup> Recital 46 of the DSA provides that (quote, our emphasis) “[p]roviders of intermediary services that are primarily directed at minors, for example through the design or marketing of the service, or which are used predominantly by minors, should make particular efforts to render the explanation of their terms and conditions easily understandable to minors.”

<sup>44</sup> Recital 71 of the DSA provides that (quote, our emphasis) “[t]he protection of minors is an important policy objective of the Union. An online platform can be considered to be accessible to minors when its terms and conditions permit minors to use the service, when its service is directed at or predominantly used by minors, or where the provider is otherwise aware that some of the recipients of its service are minors, for example because it already processes personal data of the recipients of its service revealing their age for other purposes. Providers of online platforms used by minors should take appropriate and proportionate measures to protect minors, for example by designing their online interfaces or parts thereof with the highest level of privacy, safety and security for minors by default where appropriate or adopting standards for protection of minors, or participating in codes of conduct for protecting minors. They should consider best practices and available guidance, such as that provided by the communication of the Commission on A Digital Decade for children and youth: the new European strategy for a better internet for kids (BIK+). Providers of online platforms should not present advertisements based on profiling using personal data of the recipient of the service when they are aware with reasonable certainty that the recipient of the service is a minor. In accordance with Regulation (EU) 2016/679, notably the principle of data minimisation as provided for in Article 5(1), point (c), thereof, this prohibition should not lead the provider of the online platform to maintain, acquire or process more personal data than it already has in order to assess if the recipient of the service is a minor. Thus, this obligation should not incentivize providers of online platforms to collect the age

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<sup>27</sup> See: <https://eur-lex.europa.eu/eli/reg/2022/2065/oj/eng>.



*of the recipient of the service prior to their use. It should be without prejudice to Union law on protection of personal data.”*

45 Recital 81 of the DSA provides that (quote, our emphasis) “[a] second category concerns the actual or foreseeable impact of the service on the exercise of fundamental rights, as protected by the Charter, including but not limited to human dignity, freedom of expression and of information, including media freedom and pluralism, the right to private life, data protection, the right to non-discrimination, the rights of the child and consumer protection. Such risks may arise, for example, in relation to the design of the algorithmic systems used by the very large online platform or by the very large online search engine or the misuse of their service through the submission of abusive notices or other methods for silencing speech or hampering competition. When assessing risks to the rights of the child, providers of very large online platforms and of very large online search engines should consider for example how easy it is for minors to understand the design and functioning of the service, as well as how minors can be exposed through their service to content that may impair minors’ health, physical, mental and moral development. Such risks may arise, for example, in relation to the design of online interfaces which intentionally or unintentionally exploit the weaknesses and inexperience of minors or which may cause addictive behaviour.”

46 Recital 83 of the DSA provides that (quote, our emphasis) “[a] fourth category of risks stems from similar concerns relating to the design, functioning or use, including through manipulation, of very large online platforms and of very large online search engines with an actual or foreseeable negative effect on the protection of public health, minors and serious negative consequences to a person’s physical and mental well-being, or on gender-based violence. Such risks may also stem from coordinated disinformation campaigns related to public health, or from online interface design that may stimulate behavioural addictions of recipients of the service.”

47 Recital 89 of the DSA provides that (quote, our emphasis) “[p]roviders of very large online platforms and of very large online search engines should take into account the best interests of minors in taking measures such as adapting the design of their service and their online interface, especially when their services are aimed at minors or predominantly used by them. They should ensure that their services are organised in a way that allows minors to access easily mechanisms provided for in this Regulation, where applicable, including notice and action and complaint mechanisms. They should also take measures to protect minors from content that may impair their physical, mental or moral development and provide tools that enable conditional access to such information. In selecting the appropriate mitigation measures, providers can consider, where

*appropriate, industry best practices, including as established through self-regulatory cooperation, such as codes of conduct, and should take into account the guidelines from the Commission.”*

48 Article 25(1) provides that (quote, our emphasis) “[p]roviders of online platforms shall not design, organise or operate their online interfaces in a way that deceives or manipulates the recipients of their service or in a way that otherwise materially distorts or impairs the ability of the recipients of their service to make free and informed decisions.”

49 Article 28(1)-(2) provides (quote, our emphasis):

*1. Providers of online platforms accessible to minors shall put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service.*

*2. Providers of online platform shall not present advertisements on their interface based on profiling as defined in Article 4, point (4), of Regulation (EU) 2016/679 using personal data of the recipient of the service when they are aware with reasonable certainty that the recipient of the service is a minor.*

50 Article 35(1)(j) provides that (quote, our emphasis) “[p]roviders of very large online platforms and of very large online search engines shall put in place reasonable, proportionate and effective mitigation measures, tailored to the specific systemic risks identified pursuant to Article 34, with particular consideration to the impacts of such measures on fundamental rights. Such measures may include, where applicable: (...); (j) taking targeted measures to protect the rights of the child, including age verification and parental control tools, tools aimed at helping minors signal abuse or obtain support, as appropriate; (...).”

### 3.3.1 GDPR

51 The Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (“**GDPR**”) provides for special protection of minors.<sup>28</sup>

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<sup>28</sup> See: <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>.

52 Recital 38 of the GDPR provides that (quote) “[c]hildren merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Such specific protection should, in particular, apply to the use of personal data of children for the purposes of marketing or creating personality or user profiles and the collection of personal data with regard to children when using services offered directly to a child. (...)”

53 Recital 58 of the GPDR further provides that (quote, our emphasis) “[t]he principle of transparency requires that any information addressed to the public or to the data subject be concise, easily accessible and easy to understand, and that clear and plain language and, additionally, where appropriate, visualisation be used. Such information could be provided in electronic form, for example, when addressed to the public, through a website. This is of particular relevance in situations where the proliferation of actors and the technological complexity of practice make it difficult for the data subject to know and understand whether, by whom and for what purpose personal data relating to him or her are being collected, such as in the case of online advertising. Given that children merit specific protection, any information and communication, where processing is addressed to a child, should be in such a clear and plain language that the child can easily understand.”

54 Recital 71 of the GDPR adds to this and provides that (quote, our emphasis) “[t]he data subject should have the right not to be subject to a decision, which may include a measure, evaluating personal aspects relating to him or her which is based solely on automated processing and which produces legal effects concerning him or her or similarly significantly affects him or her, such as automatic refusal of an online credit application or e-recruiting practices without any human intervention. Such processing includes ‘profiling’ that consists of any form of automated processing of personal data evaluating the personal aspects relating to a natural person, in particular to analyse or predict aspects concerning the data subject’s performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements, where it produces legal effects concerning him or her or similarly significantly affects him or her. However, decision-making based on such processing, including profiling, should be allowed where expressly authorised by Union or Member State law to which the controller is subject, including for fraud and tax-evasion monitoring and prevention purposes conducted in accordance with the regulations, standards and recommendations of Union institutions or national oversight bodies and to ensure the security and reliability of a service provided by the controller, or necessary for the entering or performance of a contract between the data subject and a controller, or when the data subject has given his or her explicit consent. In any case, such processing should be subject to suitable

*safeguards, which should include specific information to the data subject and the right to obtain human intervention, to express his or her point of view, to obtain an explanation of the decision reached after such assessment and to challenge the decision. Such measure should not concern a child.*

55 Recital 75 of the GDPR further provides that (quote, our emphasis) “[t]he risk to the rights and freedoms of natural persons, of varying likelihood and severity, may result from personal data processing which could lead to physical, material or non-material damage, in particular: where the processing may give rise to discrimination, identity theft or fraud, financial loss, damage to the reputation, loss of confidentiality of personal data protected by professional secrecy, unauthorised reversal of pseudonymisation, or any other significant economic or social disadvantage; where data subjects might be deprived of their rights and freedoms or prevented from exercising control over their personal data; where personal data are processed which reveal racial or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, and the processing of genetic data, data concerning health or data concerning sex life or criminal convictions and offences or related security measures; where personal aspects are evaluated, in particular analysing or predicting aspects concerning performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements, in order to create or use personal profiles; where personal data of vulnerable natural persons, in particular of children, are processed; or where processing involves a large amount of personal data and affects a large number of data subjects.”

56 Article 6(1)(f) of the GDPR limits the rights to lawfully process personal data based on claimed “legitimate interests”, meaning that (quote, emphasis added) “[p]rocessing shall be lawful only if and to the extent that at least one of the following applies: (...); (f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.”

57 Article 8 of the GDPR similarly raises the bar on lawfully processing personal data based on any claimed “consent” pursuant to Article 6(1)(a) by requiring that (quote) “[w]here point (a) of Article 6(1) applies, in relation to the offer of information society services [e.g. those provided by META] directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 16 years old. Where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.” And, also that (quote) “[t]he controller shall make reasonable efforts to verify in such cases that consent is

*given or authorised by the holder of parental responsibility over the child, taking into consideration available technology.”*<sup>29</sup>

58 Article 12(1) of the GDPR requires true and fit-for-purpose transparency (quote, emphasis added): “*The controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. (...)*.”

59 Article 22 of the GDPR means that Danish minors “*have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.*”

### 3.3.2 The Danish Marketing Act

60 The Danish Marketing Practices Act (da: *Markedsføringsloven*) implements, among other things, Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (“Unfair Commercial Practices Directive”).<sup>30</sup>

61 Article 3 of the Danish Marketing Practices Act requires that (quote, emphasis added) “*Traders shall exercise good marketing practice with reference to consumers, other traders and public interests*” and that “*Commercial practices directed at children and young people, or where children and young people are particularly vulnerable to the commercial practices in question, shall be designed with specific reference to their natural credulity and lack of experience and critical sense, as a result of which they are readily influenced and easy to impress, but see subsection (3).*”

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<sup>29</sup> In this respect, S. 6(2)-(3) of the Danish Protection Act (da: *Dataskyttelsesloven*) further provides that (quote, in-house translation) “[i]f Article 6(1)(a) of the GDPR applies in connection with the offering of information society services directly to children, the processing of personal data about a child is lawful if the child is at least 15 years old” and “[i]f the child is under 15 years of age, processing is only lawful if and to the extent that consent is given or approved by the holder of parental responsibility for the child.” See LBK no. 289 of 08/03/2024: <https://www.retsinformation.dk/eli/lta/2024/289>.

<sup>30</sup> See: <https://eur-lex.europa.eu/eli/dir/2005/29/oj/eng> and <https://www.retsinformation.dk/eli/lta/2024/1420>.

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62 Article 11(1)-(2) of the Danish Marketing Practices Act requires that (quote) “[c]ommercial practices directed at children and young people under the age of 18 must not directly or indirectly incite them to violence or other dangerous or inconsiderate behaviour, nor make unwarrantable use of violence, fear or superstition in order to influence them” and that “[c]ommercial practices directed at children and young people under the age of 18 must not mention or include images of or references to intoxicants, including alcohol.”

63 Furthermore, Article 11(3) of the Danish Marketing Practices Act requires that (quote) “[c]ommercial practices directed at children and young people under the age of 18 may not be carried out on or through social media profiles that belong to, or appear to belong to, children and young people under the age of 15. Commercial practices directed at children and young people under the age of 18 on social media may also not otherwise make use of children and young people under the age of 15, unless such use forms part of a natural context to illustrate or demonstrate a product.”

### 3.3.3 Danish Product Liability Regulation

64 While the META Products are not considered products encompassed by the current Danish Product Liability Act, they are however encompassed by the Danish non-statutory product liability regime as developed in Danish case law.

65 In the Danish non-statutory product liability regime, the META Products are considered “defective” if they do not provide the safety that can reasonably be expected, meaning that they have such characteristics that, during normal use, they could cause harm to persons or property. META would furthermore be liable for the damages caused if such defects are due to META’s fault or negligence.

66 All meaning that offering META Products in the Danish market where they do not provide the safety that can reasonably be expected and where META knows or ought to know this, involves META being liable for the damages that they cause.

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67 We request that META respond and either comply or enter into good faith discussion with SOMI **by October 20<sup>th</sup>, 2025.**

68 We are aware that not all claims and legal grounds have been fully substantiated in the above. This letter should however provide META sufficient information to

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assess whether it is willing to enter into discussions with SOMI on a possible amicable solution.

69 We note that SOMI is prepared to pursue this matter through all appropriate and legally available means. SOMI *reserves* all rights in that respect.

Kind regards

Lassen Ricard



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