

October 19, 2023

Lina M. Khan, Chair
Alvaro Bedoya, Commissioner
Rebecca Kelly Slaughter, Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Request for Investigation of NGL Labs for violations of Section 5 of the FTC Act

Via E-Mail

Chair Khan, Commissioner Bedoya, and Commissioner Slaughter:

Please find, attached, a request that the Federal Trade Commission investigate the conduct of NGL Labs (“Not Gonna Lie”) in providing its anonymous peer messaging app, NGL to minor users. NGL is marketing a type of digital product that is well-documented as dangerous for teens and kids. Our complaint outlines the history of anonymous peer messaging affordances, cyberbullying, and negative mental health outcomes among youth. NGL Labs goes one step further, marketing an NGL Pro in-app purchase as if subscribing will reveal the identity of a message sender. In reality, the company is accepting users’ money in exchange for useless “hints” while quietly revealing to law enforcement in the fine print that it cannot ever reveal the identity of a user. We urge the Commission to investigate this conduct as unfair and deceptive in violation of Section 5 of the FTC Act.

We appreciate your consideration and are available to discuss any questions you may have.

Respectfully Submitted,

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NGL (which stands for “Not Gonna Lie”) is an anonymous question-and-answer app operated by NGL Labs, LLC, located in Beverly Hills, California. NGL Labs markets NGL to minors despite overwhelming evidence that anonymous peer communication platforms pose a significant risk of harm, particularly to young people. The app is advertised as a way for users to learn who their true friends, admirers, and enemies are. In reality, it joins a long line of anonymous messaging platforms that facilitate cyberbullying and have a significant negative impact on young users’ mental health.

The dangers anonymous peer messaging platforms pose to minors are well-documented via reporting and academic research. Cyberbullying is associated with negative mental health outcomes for children and teens. In addition, anonymity is associated with increased cyberbullying and worse effects on cyberbullying victims.

NGL Labs’ conduct in marketing and providing its app to young users is unfair and deceptive in violation of Section 5 of the FTC Act. The history of failed anonymous peer messaging apps and the science around cyberbullying and anonymity clearly demonstrate the danger such a product poses to minor users. In addition, the company falsely advertises that users can learn the identity of a message sender by paying for an NGL Pro subscription. Posts on NGL’s Instagram tout the Pro service as a way to reveal the identity of bullies and crushes. On the contrary, the hints the platform provides for a weekly fee do not reveal the sender’s identity, leaving young users unable to identify their tormentors.

I. Background

In July 2022, NGL was the fifth most downloaded app on the US App Store and had generated \$2.4 million in in-app purchases.¹ According to an April 25, 2023 post on NGL’s Instagram, the app reached 100 million downloads earlier this year.² NGL caters to teens and makes it fast and easy for a new user to download the app and begin soliciting anonymous messages on social media.

NGL Labs clearly markets its app to young users. NGL is rated for users 12 years old and above in the Apple App Store³ and rated “Teen” in the Google Play Store.⁴ Messaging on NGL’s website and Instagram account make clear the platform is intended to be used by minors. For example, the front page of NGL’s website says: “Young people don’t have a space to share their

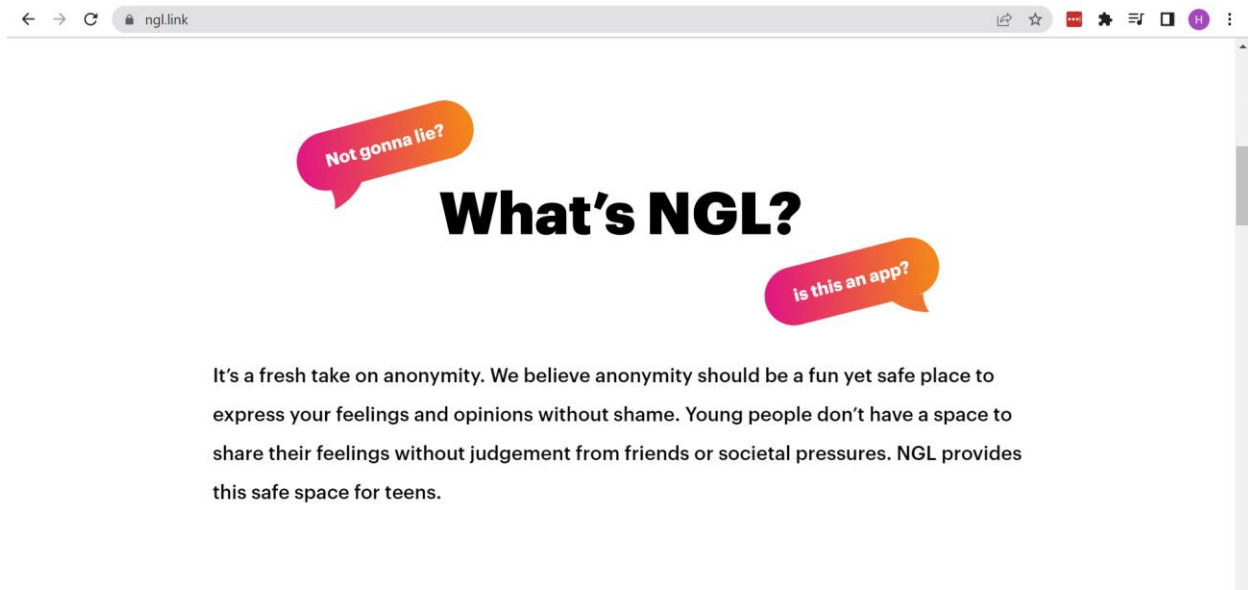
¹ Sarah Perez, *Anonymous social app NGL tops 15M installs, \$2.4M in revenue as users complain about being scammed*, TechCrunch (July 11, 2022), <https://techcrunch.com/2022/07/11/anonymous-social-ngl-tops-15m-installs-2-4m-in-revenue-as-users-complain-about-being-scammed/>.

² NGL (@ngl.app), Instagram (Apr. 25, 2023), https://www.instagram.com/p/CreWO4qvRZ-/?utm_source=ig_web_copy_link&igshid=MzRlODBiNWFlZA==.

³ NGL: anonymous q&a, Apple App Store, <https://apps.apple.com/us/app/ngl-anonymous-q-a/id1596550932>.

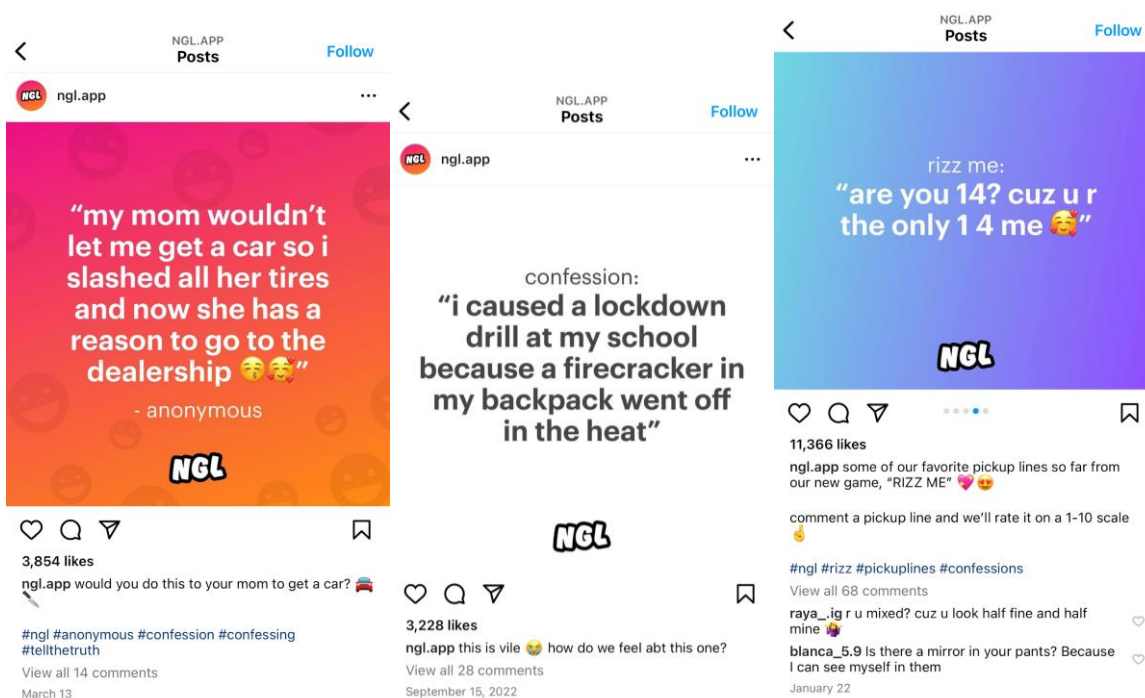
⁴ NGL: anonymous q&a, Google Play, <https://play.google.com/store/apps/details?id=com.nglreactnative&pli=1>.

feelings without judgement from friends or societal pressures. NGL provides this safe space for teens.”⁵



⁵ NGL Home Page, <https://ngl.link/>.

In addition, NGL’s Instagram posts heavily feature references to parents, school, and other topics relevant to minors.



The premise of the app – that anonymity allows users to exchange more “authentic” messages with friends and peers – has clear appeal to minors, who are particularly motivated by social rewards. As Fairplay has outlined in previous filings before the Commission,⁶ minors begin to develop a need to be noticed and accepted by others around age ten.⁷ Acceptance invokes a reaction from the brain’s reward center, but because minors’ prefrontal cortex is still developing, they are less able to regulate their emotional responses to these rewards than adults.⁸ Researchers emphasize that social media design features that validate or quantify social acceptance exploit minors’ need for social rewards.⁹ Anonymous direct communication apps such as NGL offer a heightened version of these same rewards.

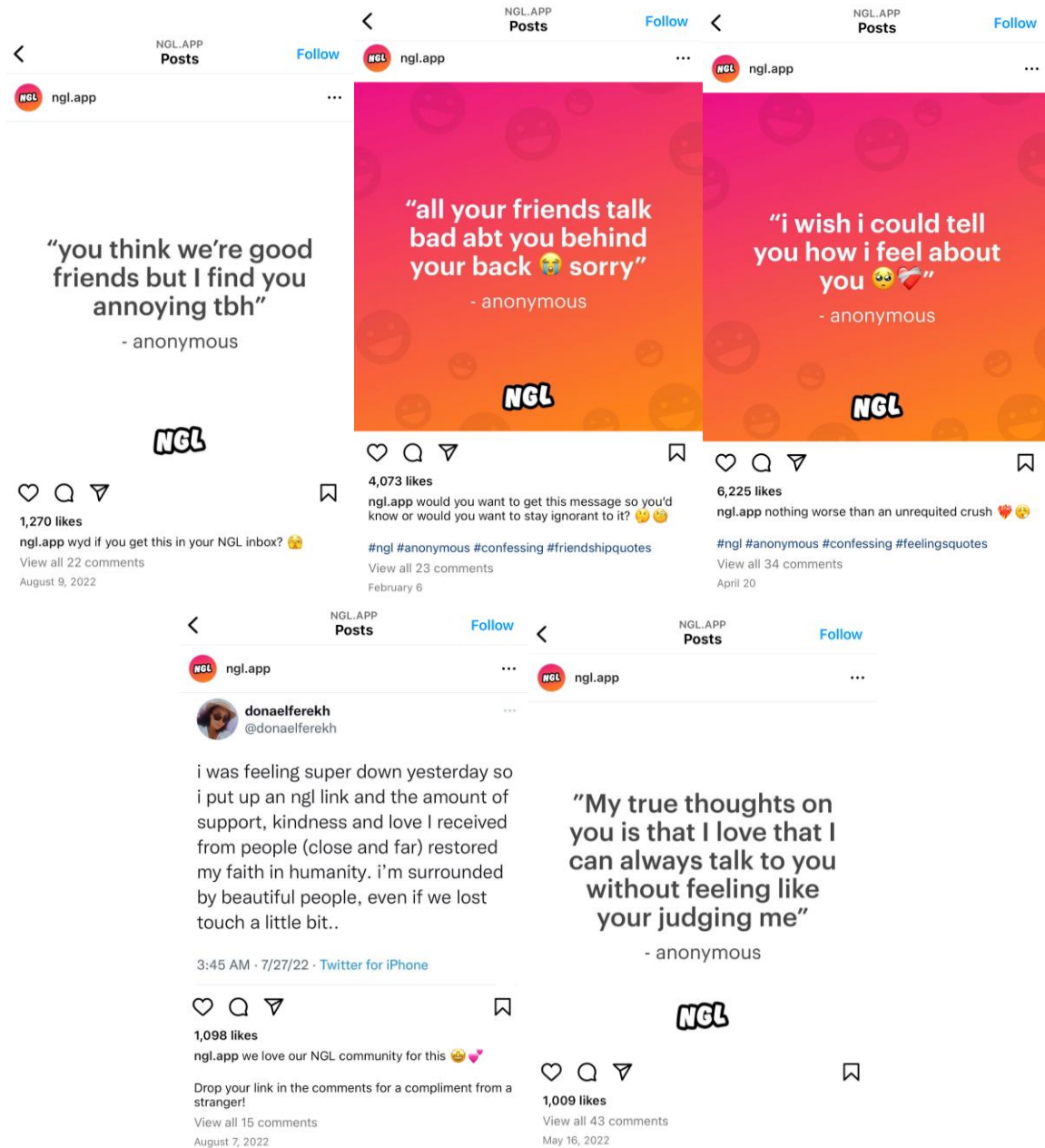
⁶ Center for Digital Democracy, Fairplay, et al., *Petition for Rulemaking to Prohibit the Use on Children of Design Features that Maximize for Engagement* (filed Nov. 17, 2022) at 58-60.

⁷ Zara Abrams, *Why Young Brains Are Especially Vulnerable to Social Media*, American Psychological Ass’n. (Feb. 3, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

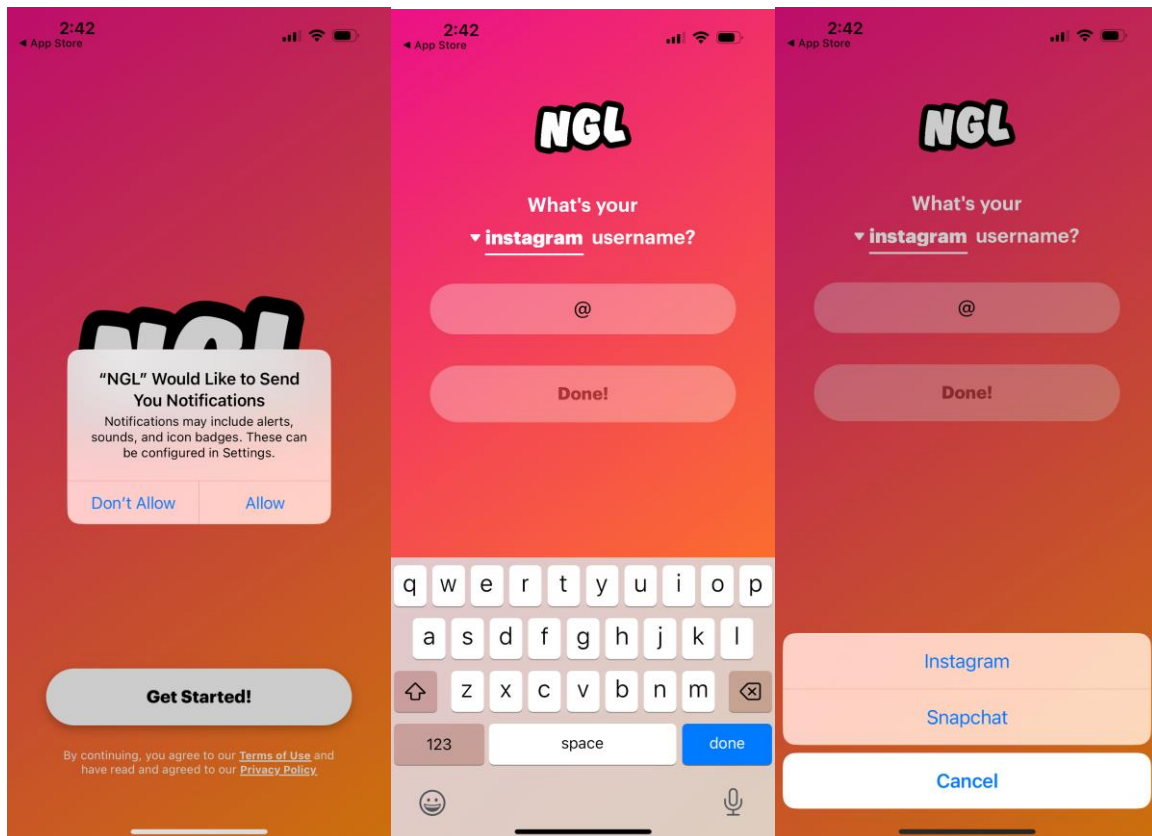
⁸ *Id.* at 171; Eveline Crone & Elly A. Konijn, *Media Use and Brain Development During Adolescence*, 9 *Nature Comm.* 1, 4 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5821838/>.

⁹ Crone & Konijn, *supra* note 8; Dar Meshi, Diana I Tamir, et al., *The Emerging Neuroscience of Social Media*, 19 *Trends Cognitive Sci.* 771, 774 (2015), <https://doi.org/10.1016/j.tics.2015.09.004>.

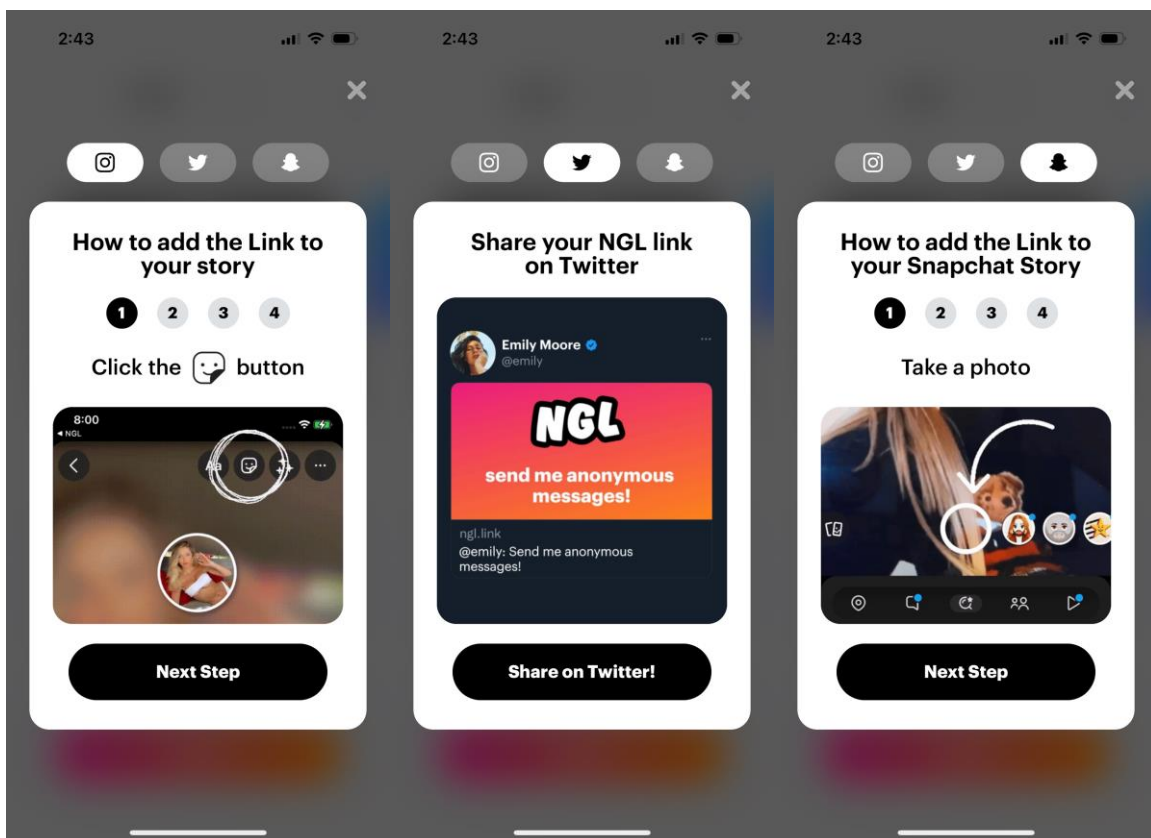
Posts on NGL's Instagram market an experience where users can learn who their true friends are and receive confessions and compliments from friends and admirers.



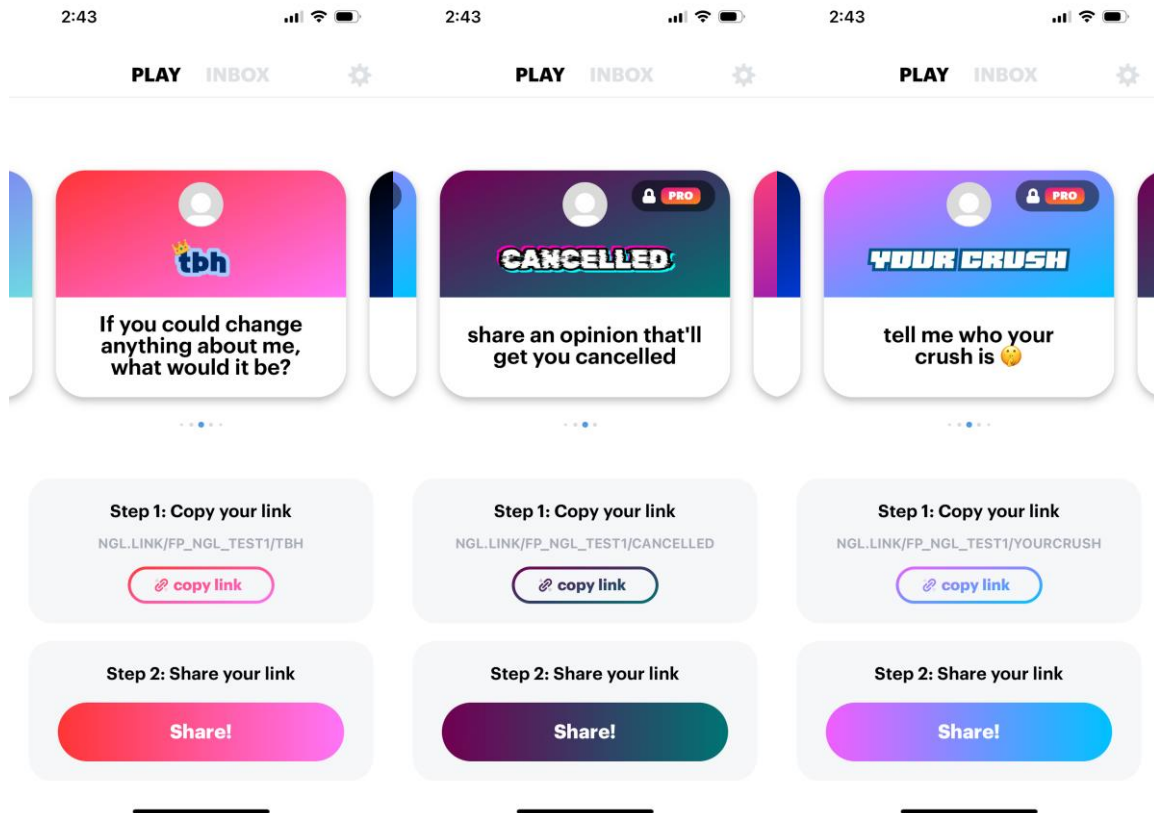
Once a young person decides to take NGL up on its promise of revealing secret crushes, commiserating about school and family, and learning the identity of disloyal friends, initiating use of the app is incredibly easy. NGL does not require a new user to verify their age or even create a username or password. A new user can download the app for free, turn on notifications, and then connect the app to their Instagram or Snapchat account.



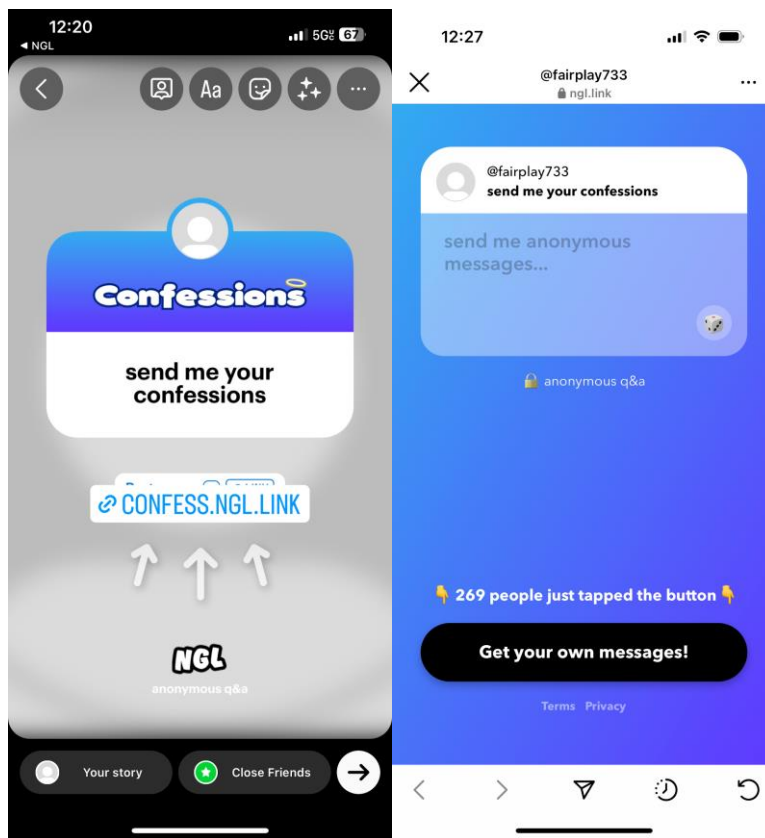
The app then offers step-by-step instructions for posting links to anonymous question boxes on Instagram, Snapchat, and X (formerly known as Twitter).



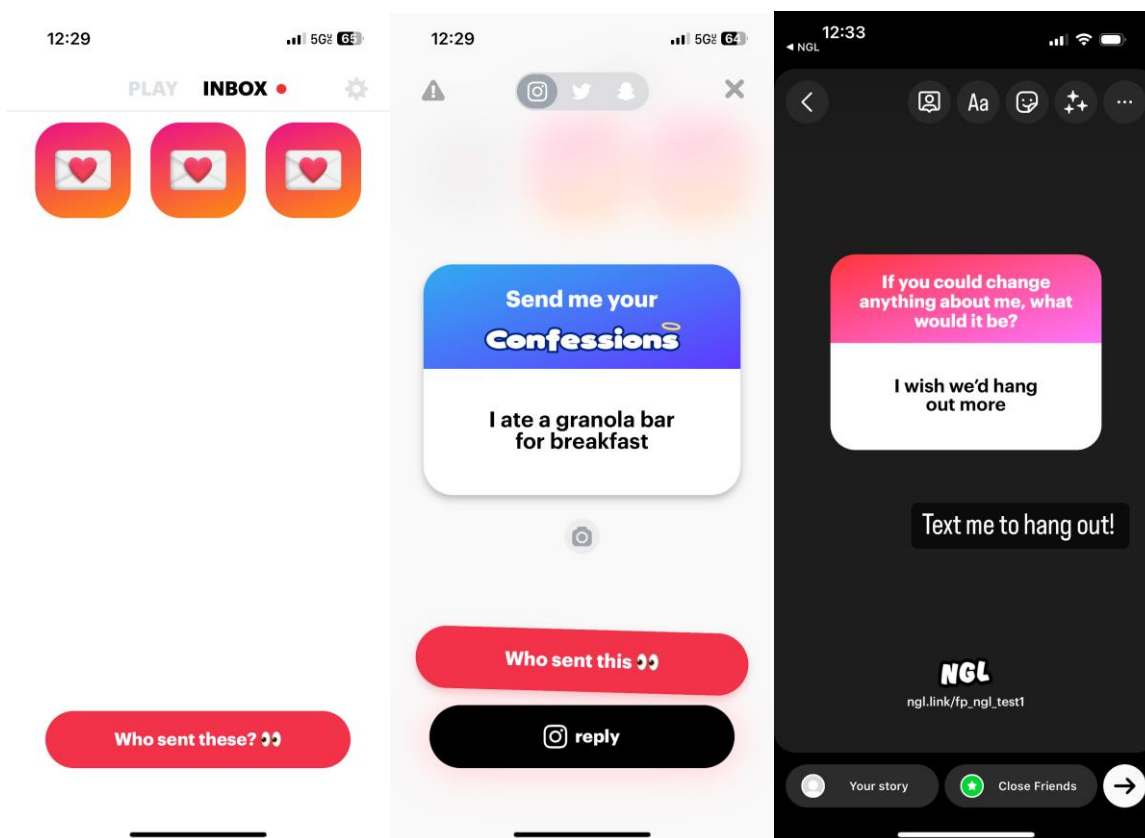
NGL offers free question box prompts, including “Send me your confessions” and “Describe me in three words,” as well as premium prompts for paid subscribers, including “Share an opinion that’ll get you cancelled.” Many of the prompts seem designed to promote public criticism, controversy, and gossip.



The shareable links that NGL generates allow an app user's social media followers to access the user's selected prompt box.



Once a user's followers begin sending messages via the linked question box, those messages appear in the user's NGL inbox.¹⁰ Clicking on an individual message opens a window that shows the contents of the message and gives the user the option to post the message to Instagram and Snapchat so their followers can see it. NGL also provides the option of sharing the message to X, but the ability to post to X from NGL appeared to be broken at the time of filing.



As described in detail in Section III.B, below, there is a “Who sent this” button under each message that offers users an NGL Pro subscription in exchange for information about the message sender, but those hints do nothing to reveal who sent the message. In reality, NGL is a completely anonymous direct messaging tool. Evidence demonstrates that anonymous messaging tools – particularly those that target a user’s geographic area or friend lists – consistently pose grave risks to young users.

¹⁰ An NGL user’s inbox contains messages from friends and followers, but it also contains auto-generated messages that have been sent by the app itself. NGL Labs indicates a message is auto-generated with fine print at the bottom of the message that says, “sent with ❤️ from team NGL.” These messages read as if from another young user and say things like, “can i be fr on here” and “do more fun stuff with me!!!”

II. History and research have demonstrated that anonymous messaging platforms pose a significant risk of harm to teens.

NGL is one of the latest in a long history of anonymous online messaging platforms, many of which are now defunct after facing significant content moderation and safety issues. Further, the experiences of young people and their families demonstrate clearly the significant consequences of these affordances if left unchecked. Carson Bride's mother, Kristin Bride, describes her son's experience with NGL predecessors YOLO and LMK. Scientific research on bullying, cyberbullying, and anonymity explains why anonymous peer messaging affordances are particularly harmful to minors.

A. Anonymous peer messaging platforms have repeatedly failed to protect users from serious harm.

Anonymous message websites, apps, and tools date back to early forms of social media. Some allow users to post anonymous messages to a general audience.¹¹ Others allow users to share anonymous messages within a specific community or geographic area.¹² Still others, such as NGL, Yolo, and LMK, allow people to exchange anonymous messages with known individuals by connecting with users' existing social media accounts. These peer anonymous messaging platforms give users the ability to solicit anonymous messages from friends and followers on other platforms. NGL's predecessors in peer- and geographic-based anonymous messaging have all experienced nearly identical problems with content moderation, bullying, and tragic outcomes for young users.

For example, Yik Yak was created for college students in 2013. The app allowed users to post anonymous messages to a live thread available within a geographic area. It ultimately became a forum for anonymous cyberbullying, racism, homophobia, and sexism within college communities.¹³ Threats of mass violence on college campuses across the country were posted on the app.¹⁴ College students registered complaints and implored their universities and Yik Yak itself to ban the app on their campuses.¹⁵ Soon after Yik Yak was created, middle and high school students also began using it. One of the founders said that "high schoolers were not mature enough to use" the platform, and the company tried to create geofences that would

¹¹ See, e.g., Whisper, Apple App Store, <https://apps.apple.com/us/app/whisper-share-express-meet/id506141837?mt=8>.

¹² Kim-Mai Cutler, *Anonymity's Moment: Secret Is Like Facebook For What You're Really Thinking*, TechCrunch (Feb. 13, 2014), <https://techcrunch.com/2014/02/03/anonymitys-moment-secret-is-like-facebook-for-what-youre-really-thinking/>.

¹³ Valeriya Safronova, *The Rise and Fall of Yik Yak, the Anonymous Messaging App*, N.Y. Times (May 17, 2017), <https://www.nytimes.com/2017/05/27/style/yik-yak-bullying-mary-washington.html>; Jonathan Mahler, *Who Spewed That Abuse? Anonymous Yik Yak App Isn't Telling*, N.Y. Times (Mar. 8, 2015), <https://www.nytimes.com/2015/03/09/technology/popular-yik-yak-app-confers-anonymity-and-delivers-abuse.html>.

¹⁴ Libby Nelson, *Colleges' Yik Yak problem, explained*, Vox (Nov. 13, 2015), <https://www.vox.com/2015/11/13/9728368/yik-yak-colleges-missouri>.

¹⁵ Safronova, *supra* note 13.

prevent the app's use on middle and high school campuses.¹⁶ Yik Yak shut down in 2017 when its founders sold the company to Square, Inc.¹⁷ It relaunched under new ownership in 2021,¹⁸ but its problems with violent and hateful content and bullying persist.¹⁹

A similar app, Secret, launched in 2014 and allowed users to post anonymous messages to people in their address books.²⁰ In language that mirrors that on NGL's website, Secret's co-founder David Byttow claimed the app's goal was to help people be more open with each other and "create a world flowing with authenticity."²¹ In reality, the company faced an onslaught of negative and abusive content and "scrambled to hire community moderators to control the negative posts."²² A year after the company shut down, Byttow said, "I fundamentally believe, both technologically and culturally, that we do not have the tools to manage anonymity online in a way that doesn't end with people getting hurt."²³

More recently, apps like NGL have used social media companies' developer kits and link capabilities to integrate anonymous messaging into users' existing social media profiles. In 2017, Sarahah became one of the first platforms to do so. The platform leveraged Snapchat users' ability to post links to websites on their snaps.²⁴ Parents raised concerns about abuse and cyberbullying in reviews and in the press.²⁵ Despite founder Zain al-Abidin Tawfiq's attempt "to create an environment that's positive," the app was banned from the Apple App Store and

¹⁶ Mahler, *supra* note 13.

¹⁷ Safronova, *supra* note 13.

¹⁸ Jonathan Franklin, *Yik Yak, The Anonymous App That Tested Free Speech, Is Back*, NPR (Aug. 17, 2021), <https://www.npr.org/2021/08/17/1028402237/yik-yak-anonymous-app-free-speech-returns>

¹⁹ See, e.g., Ingrid Harbo, *Threat against Cavalier Public Schools was posted on anonymous social media app Yik Yak*, Grand Forks Herald (March 17, 2023) <https://www.grandforksherald.com/news/north-dakota/threat-against-cavalier-public-schools-was-posted-on-anonymous-social-media-app-yik-yak>; Chihiro Kai, *Remember the "sexual assault day" post on Yik Yak? Here's what we know*, The University Daily Kansan (Feb. 16, 2023) https://www.kansan.com/news/remember-the-sexual-assault-day-post-on-yik-yak-heres-what-we-know/article_4602aa92-ae3c-11ed-b87f-bb687b6141ed.html; Liam Beran, *The Yak strikes again*, The Advance-Titan (University of Wisconsin Oshkosh) (Dec. 7, 2022), <https://advancetitan.com/top-stories/2022/12/07/the-yak-strikes-again>.

²⁰ Jenna Wortham, *New Social App Has Juicy Posts, All Anonymous*, N.Y. Times (Mar. 18, 2014), <https://www.nytimes.com/2014/03/19/technology/new-social-app-has-juicy-posts-but-no-names.html>

²¹ Mike Isaac, *A Founder of Secret, the Anonymous Social App, Is Shutting It Down*, N.Y. Times (Apr. 29, 2015), <https://www.nytimes.com/2015/04/30/technology/a-founder-of-secret-the-anonymous-social-app-shuts-it-down-as-use-declines.html>

²² *Id.*

²³ Mike Isaac, *Q. and A.: Secret's Founder on the Problems With Anonymity*, N.Y. Times (June 8, 2016), <https://www.nytimes.com/2016/06/09/technology/q-and-a-secrets-founder-on-the-problems-with-anonymity.html>.

²⁴ Karissa Bell, *How Sarahah became one of the most popular iPhone apps in the world*, Mashable (July 23, 2017), <https://mashable.com/article/the-story-of-sarahah-app>.

²⁵ Andrew Griffin, *Sarahah: The top iPhone app in the world is being used to bully people, users claim*, Independent (July 19, 2017), <https://www.independent.co.uk/tech/sarahah-app-iphone-ios-app-store-google-play-android-download-how-to-reviews-a7848801.html>.

Google Play Store in 2018 following a Change.org petition.²⁶ Parent Katrina Collins filed the petition after her daughter saw a Sarahah post encouraging her to kill herself.²⁷

Apps Yolo and LMK similarly leveraged users' existing social media accounts, but the companies that built them used Snap, Inc.'s Snap Kit to connect their anonymous messaging platforms directly to users' Snapchat accounts. Shortly after his platform launched in 2019, Yolo's founder said, "We feel that anonymity can unlock super good behaviors. We think we're more empathic, more human than other anonymous apps before us."²⁸ Yolo nor LMK proved to be any different from the platforms that preceded it. Carson Bride, the son of complainant Kristin Bride, experienced the worst of Yolo and LMK.

B. Carson Bride's story demonstrates the devastating impacts of anonymous peer messaging platforms.

According to family and friends, Carson Bride was an Oregon teenager who had "an infectious smile that would brighten everyone's day." When he passed away from suicide on June 23, 2020, he was 16 years old and had just completed his sophomore year in high school. He was a caring and compassionate teenager who taught ski classes to children during winters, played soccer, and acted in school plays. He had just gotten his first job making pizzas and came home after his first night of work training and wrote his upcoming work schedule on the kitchen calendar in front of his parents.

Everything seemed to be going well for Carson. What Carson's parents didn't know is that he was being silently cyberbullied by his high school classmates who were using the anonymous apps Yolo and LMK on Snapchat to hide their identities. In the weeks leading to Carson's suicide, he received over 100 humiliating, harassing and threatening messages on Yolo. He asked his tormentors to "S/U" (swipe up) and reveal themselves so that they could talk things out in person. However, no one ever did. On or about June 13, 2020, 10 days before his death, Carson asked a friend via text message about the identities of the anonymous cyberbullies: "*Do you know who is sending me all these sus(picious) YOLOs. Whenever I do one I only get people either trying to catfish me or bait me into saying dumb (things) or whatever . . . I guess I understand like a bit of sus(picious) shit every once in a while but it [is] my entire inbox of YOLO's.*" This message indicates that the continual anonymous cyberbullying was beginning to take a toll on Carson's mental well-being.

²⁶ Bell, *supra* note 24; Elizabeth Cassin, *Sarahah: Anonymous app dropped from Apple and Google stores after bullying accusations*, BBC (Feb. 26, 2018), <https://www.bbc.com/news/blogs-trending-43174619>.

²⁷ Cassin, *supra* note 26.

²⁸ Josh Constine, *#1 app YOLO Q&A is the Snapchat platform's 1st hit*, TechCrunch (May 8, 2019), <https://techcrunch.com/2019/05/08/download-yolo-app/>.

After his first night at work, Carson posted his final Snapchat story about starting a summer job at Papa Murphy's pizza restaurant and asked his "Snapchat friends" to come down and get a pizza on Wednesday. In response, Carson received more humiliating and sexually explicit anonymous responses over LMK. On June 23, 2020, the morning of Carson's death, the last web history found from his phone shows that Carson was searching "Reveal YOLO Username Online" which reflects his final pain-staking attempt to find out who was sending abusive anonymous messages to him. It was early morning on June 23, 2020, that Carson hung himself in his garage while his family slept.

The bullying Carson experienced violated Yolo's terms. Yolo's terms of service stated that "YOLO has no tolerance for objectionable content or abusive users. You'll be banned for any inappropriate usage."²⁹ At sign up, the app also told users, "YOLO is for positive feedback only. No bullying. If you send harassing messages to our users, your identity will be revealed."³⁰ After Carson's death, his mother and father reached out to Yolo's app developers using the Contact Us form on YOLO's Customer Support page and asked them to follow their own stated policies. Carson's parents were ignored all four times, indicating that this anonymous app company was either unable or unwilling to follow their own policies of revealing the senders of harassing messages.

Carson's mother, Kristin Bride, filed a class action lawsuit following Carson's death, and her complaint prompted Snap to ban both platforms from accessing its Snap Kit.²⁷ Last year, Snap changed its Snap Kit policies to prohibit third-party apps that facilitate anonymous messaging on its platform and stated, "we determined that even with safeguards in place, anonymous apps pose risks for abuse that are impossible to mitigate at an acceptable level."³¹

Unfortunately, Carson is far from the only young person negatively impacted by anonymous messaging platforms.

C. Research underscores the serious and growing risks that anonymous platforms and cyberbullying pose to minors.

Research demonstrates that anonymity has a significant impact on cyberbullying. Cyberbullying, in turn, is associated with grave mental health risks for children and teenagers, including

²⁹ Madeline Purdue, *New Yolo anonymous Q&A app attracts millions of teenage users, has parents wary*, USA Today (June 18, 2019), <https://www.usatoday.com/story/tech/2019/06/18/yolo-app-raises-bullying-concerns/1292307001/>.

³⁰ Jacob Yothment, *What is YOLO: the anonymous question app?*, Softonic (May 17, 2019) <https://en.softonic.com/articles/yolo-anonymous-question-app?ex=RAMP-1114.2>

³¹ Snap, Inc., *Announcing New Policies for Snap's Developer Platform* (March 17, 2022), <https://values.snap.com/news/announcing-new-policies-for-snaps-developer-platform>.

increased suicidality. Further, anonymity exacerbates young people's experience of cyberbullying.

The Centers for Disease Control and Prevention defines bullying as “unwanted, aggressive behavior among school-aged children that involves a real or perceived power imbalance.”³² Cyberbullying does not have a universal definition, but in general, it's intentionally harmful behavior carried out by an individual or group via digital technology. There are some key differences between traditional forms of bullying and cyberbullying. While bullying is generally thought of as taking place at school or on the way to school, cyberbullying can take place anywhere and at any time.³³ Cyberbullying also has a much wider potential audience than traditional bullying.³⁴ Further, cyberbullying does not involve physical harm the same way that offline bullying might, but its impact on victims is substantial, as described in more detail below. Another critical difference between bullying and cyberbullying is the potential for anonymity. It is much easier for a bully to mask their identity online – through fake names or accounts or anonymous messaging platforms – than it is to obscure their identity offline.

Researchers and clinicians have raised concerns that anonymity empowers cyberbullies. Psychology Today explains: “The anonymity of cyberbullying removes many restraints on meanness and amplifies the ferocity of aggression. It's easier to inflict pain and suffering on others when you don't have to look them in the eye.”³⁵ Research has demonstrated a strong correlation between anonymity and the frequency and intensity of cyberbullying. For example, studies by psychologist and bullying expert Christopher Barlett and colleagues show that when attackers feel safe in their anonymity, they are much more likely to engage in acts of cyberbullying.³⁶ In one study, “results showed that anonymity was correlated with both positive attitudes toward [cyberbullying] and [cyberbullying] frequency.”³⁷ Another study from Barlett and his colleagues explains:

When online, whatever individuals say or do is dissociated from who they are in “real life” and the moral cognitive processes acquired in real life that guide their

³² National Center for Injury Prevention and Control, Division of Violence Prevention, *The Relationship Between Bullying and Suicide: What We Know and What it Means for Schools*, Centers for Disease Control and Prevention (April 2014), <https://www.cdc.gov/violenceprevention/pdf/yv/bullying-suicide-translation-final-a.pdf>

³³ Robin Kowalski, Gary Giumetti, et al., *Bullying in the Digital Age: A Critical Review and Meta-Analysis of Cyberbullying Research Among Youth*, 140 *Psychological Bulletin* 1073, 1107 (2014) <https://doi.org/10.1037/a0035618>.

³⁴ *Id.*

³⁵ Psychology Today Staff, *Bullying*, <https://www.psychologytoday.com/us/basics/bullying>.

³⁶ Christopher P. Barlett, Chelsea Chew & Douglas Gentile, *Predicting Cyberbullying from Anonymity*, 5 *Psychology of Popular Media Culture* 171, 177 (2016), [hereinafter “Barlett, Chew & Gentile 2016”] <https://doi.org/10.1037/ppm0000055>; Christopher P. Barlett, *Anonymously Hurting Others Online: The Effect of Anonymity on Cyberbullying Frequency*, 4 *Psychology of Popular Media Culture* 70, 75-77 (2015) [hereinafter Barlett 2015], <https://doi.org/10.1037/a0034335>.

³⁷ Barlett 2015, *supra* note 36, at 77.

behavior “off-line” would be suspended while online. Findings from the current research confirm this by showing that anonymity was positively correlated with cyberbullying.³⁸

Additional research has found that “a higher level of anonymity is positively associated with moral disengagement, which itself is associated with a higher probability of cyberbullying.”³⁹ Online, bullies have less accountability than in offline contexts, and they also do not see their victims’ reactions, which depersonalizes their acts. “[I]ndividuals find it easier to become involved in cyberbullying for the reason of unidentifiability, diffusion of responsibility, and deindividualization in the online context.”⁴⁰

The negative effects of cyberbullying on the mental health and well-being of minors are also well-documented in scientific research. Studies have correlated cyberbullying with elevated stress and depression levels and feelings of sadness, hopelessness, powerlessness, and emotional distress.⁴¹ Critically, cyberbullying has also been closely associated with increased risk of suicidality (suicidal ideation and attempts) among adolescents. Meta-analyses of cyberbullying studies have repeatedly identified a positive association between cyberbullying and suicidality and/or self-harm.⁴² A study by cyberbullying experts Sameer Hinduja and Justin W. Patchin found that U.S. middle and high schoolers who experience both offline and online bullying were five times more likely to report suicidal ideation and over 11 times more likely to attempt suicide than students who had not been bullied.⁴³ Some studies indicate that cyberbullying has a stronger relationship with suicidality than traditional offline bullying. For example, a recent study of 10- to 13-year-olds found that cyberbullying was associated with suicidality at a higher rate than

³⁸ Barlett, Chew & Gentile 2016, *supra* note 36, at 178; *see also* Christopher P. Barlett, Caroline C. DeWitt & Brittany Maronna, et al., *Social Media Use as a Tool to Facilitate or Reduce Cyberbullying Perpetration: A Review Focusing on Anonymous and Nonanonymous Social Media Platforms*, 5 *Violence and Gender* 147, 149 (2018), <https://doi.org/10.1089/vio.2017.0057> (“These findings suggest that the bluntness and clarity of harmful messages increase when users perceive themselves to be anonymous[.]”).

³⁹ Lin Wang & Steven Sek-yum Ngai, *The effects of anonymity, invisibility, asynchrony, and moral disengagement on cyberbullying perpetration among school-aged children in China*, 119 *Children and Youth Services Review* at 6 (2020), <https://doi.org/10.1016/j.childyouth.2020.105613>.

⁴⁰ *Id.*

⁴¹ *See* Charisse L. Nixon, *Current Perspectives: the Impact of Cyberbullying on Adolescent Health*, 5 *Adolescent Health, Medicine and Therapeutics* 143 (2014), <https://www.tandfonline.com/doi/full/10.2147/AHMT.S36456>; *see also* Michele P. Hamm, Amanda S. Newton & Annabritt Chisholm, *Prevalence and Effect of Cyberbullying on Children and Young People: A Scope Review of Social Media Studies*, 169 *JAMA Pediatrics* 770 (2015), <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2337786>.

⁴² *See* Ann John, Alexander Charles Glendenning & Amanda Marchant, et al., *Self-Harm, Suicidal Behaviours, and Cyberbullying in Children and Young People: Systematic Review*, 20 *J. of Internet Medical Research* (2018), <https://doi.org/10.2196/jmir.9044>; Kowalski et al., *supra* note 33, at 1124; Mitch van Geel, Paul Vedder & Jenny Tanilon, *Relationship Between Peer Victimization, Cyberbullying, and Suicide in Children and Adolescents: A Meta-analysis*, 168 *JAMA Pediatrics* 435, 440 (2014), <https://pubmed.ncbi.nlm.nih.gov/24615300/>.

⁴³ Sameer Hinduja & Justin W. Patchin, *Connecting Adolescent Suicide to the Severity of Bullying and Cyberbullying*, *Journal of School Violence*, 18 *J. of School Violence* 333, 7 (2019), <https://www.tandfonline.com/doi/abs/10.1080/15388220.2018.1492417>.

offline aggressive behavior.⁴⁴ Similarly, a longitudinal study of teenagers in Canada found that young people who experienced cyberbullying were at a higher risk of suicidality than young people who experienced no victimization or only offline victimization.⁴⁵

Further, research shows that anonymity can exacerbate victims' negative experiences with cyberbullying. One study of adolescent suicidality and cyberbullying revealed that teens perceive anonymous cyberbullying to be the worst form of bullying:

Anonymous cyberbullying was found to be the form of bullying rated as most severe. This means that being threatened or humiliated by an unknown bully that uses electronic forms of contact is especially severe. One reason may be that in such a case potentially anyone could be the bully, while in traditional bullying if the bullying is anonymous the circle of potential bullies is much smaller.⁴⁶

This problem is urgent. The prevalence of cyberbullying is increasing.⁴⁷ The number of young people who report being cyberbullied is also high: Literature reviews and meta-analyses have found victimization rates that are generally between 20 and 40 percent but can be as high as 63 percent in some cases.⁴⁸ As described in detail below, NGL Labs markets its product as a fun, not *truly* anonymous experience to youth, despite a growing body of evidence that anonymity is associated with cyberbullying, and cyberbullying is, in turn, associated with serious harms to youth.

⁴⁴ Shay Arnon, Anat Brunstein Klomek & Elina Visoki, *Association of Cyberbullying Experiences and Perpetration With Suicidality in Early Adolescence*, 5 JAMA Network Open at 7-8 (2022), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2793627>; see also Erick Messias, Kristi Kindrick & Juan Castro, *School Bullying, Cyberbullying, or both: Correlates of Teen Suicidality in the 2011 CDC Youth Risk Behavior Survey*, 55 Comprehensive Psychiatry 1063 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4136518/>.

⁴⁵ Lea C Perret, Massimiliano Orri & Michel Boivin, et al., *Cybervictimization in adolescence and its association with subsequent suicidal ideation/attempt beyond face-to-face victimization: a longitudinal population-based study* 8 J. of Child Psychology and Psychiatry, 866, 871 (2020), <https://doi.org/10.1111/jcpp.13158>.

⁴⁶ Fabio Sticca & Sonja Perren, *Is Cyberbullying Worse than Traditional Bullying? Examining the Differential Roles of Medium, Publicity, and Anonymity for the Perceived Severity of Bullying*, 42 J. of Youth and Adolescence 738, 747 (2012), <https://pubmed.ncbi.nlm.nih.gov/23184483/>.

⁴⁷ Chengyan Zhu, Shiqing Huang & Richard Evans, et al., *Cyberbullying Among Adolescents and Children: A Comprehensive Review of the Global Situation, Risk Factors, and Preventive Measures*, 9 Frontiers in Public Health at 8 (2021), <https://pubmed.ncbi.nlm.nih.gov/33791270/>.

⁴⁸ Zhu et al., *supra* note 47, at 1; Elias Aboujaoude, Matthew W Savage & Vladan Starcevic, et al., *Cyberbullying: Review of an Old Problem Gone Viral*, 57 J. of Adolescent Health 10, 11 (2015), <https://doi.org/10.1016/j.jadohealth.2015.04.011>.

III. NGL Labs’ practices violate Section 5 of the FTC Act.

NGL Labs’ practices as to young users are unfair and deceptive in violation of Section 5 of the FTC Act.⁴⁹

A. NGL Labs’ conduct in marketing an anonymous direct messaging platform to minors is unfair in violation of Section 5 of the FTC Act.

Under the FTC’s Policy Statement on Unfairness, a marketing practice is unfair if (1) the practice results in substantial consumer injury; (2) the injury is not outweighed by countervailing benefits to consumers or competition, and (3) the injury cannot be reasonably avoided by consumers.⁵⁰

NGL’s conduct in providing an anonymous peer messaging platform to young people – and falsely advertising the ability to deanonymize those messages – causes substantial consumer injury. Under the FTC’s unfairness doctrine, substantial consumer injury typically involves either monetary harm or health or safety risks.⁵¹ Substantial injury can be found in cases where there is a small amount of harm to a large number of consumers or significant harm to a small number of consumers.⁵² As outlined in detail in Section II.A, anonymous peer messaging platforms consistently result in widespread cyberbullying and abusive content. Anonymity emboldens cyberbullies and exacerbates their conduct, and cyberbullying victimization is closely associated with negative mental health outcomes, including increased suicidality, which is a significant harm.

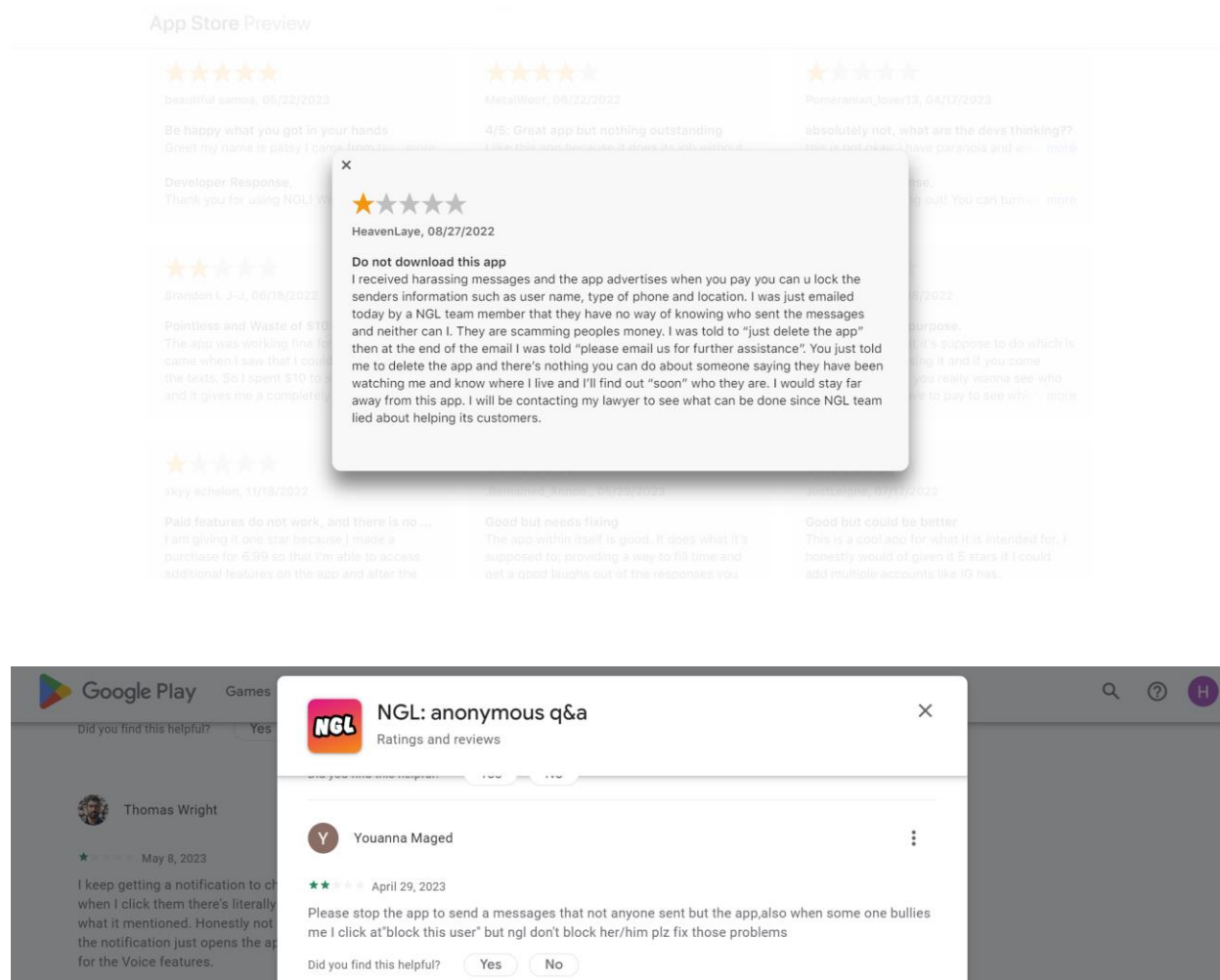
⁴⁹ 15 U.S.C. § 45.

⁵⁰ Federal Trade Commission, *Policy Statement on Unfairness* (1980), <https://www.ftc.gov/legal-library/browse/ftc-policy-statement-unfairness>.

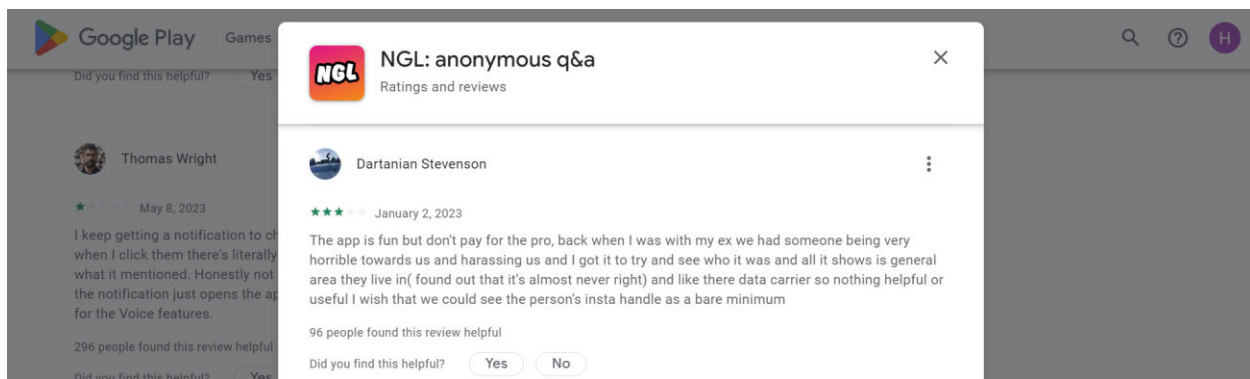
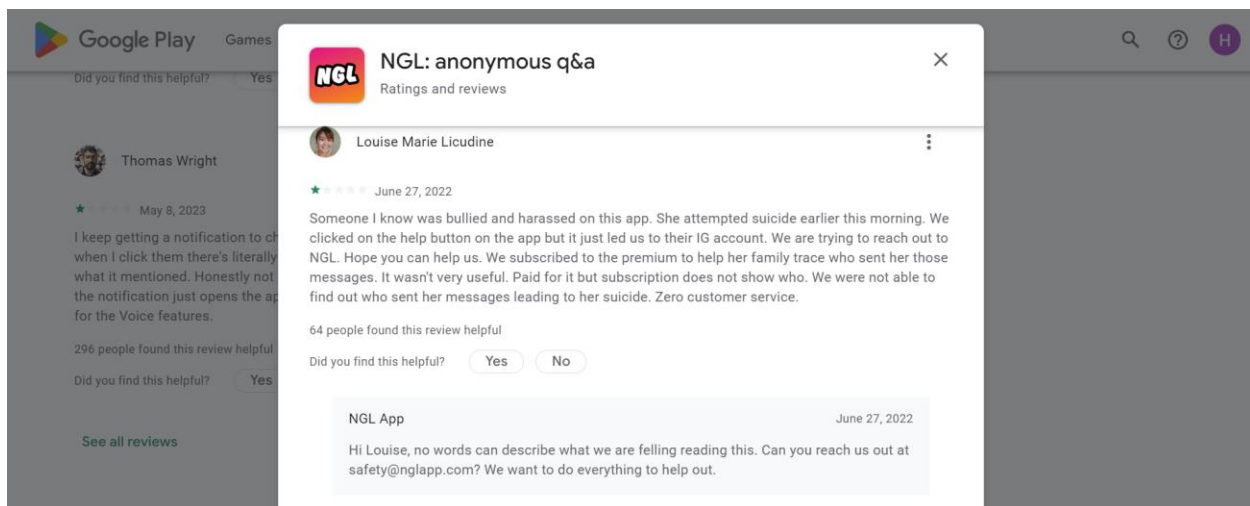
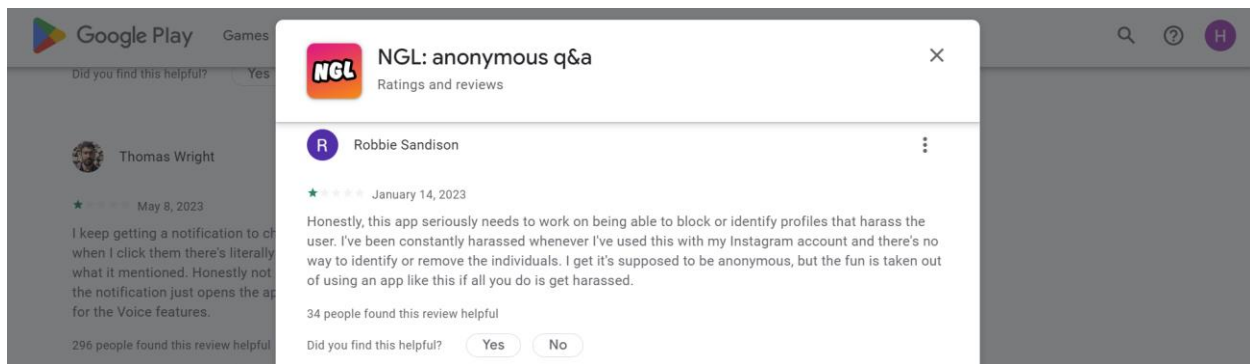
⁵¹ *Id.*

⁵² *Id.*

Despite this evidence and the fact that all of its predecessors in anonymous peer messaging failed to prevent abuse and harm on their platforms, NGL clearly markets its app to minors.⁵³ Reviews reveal that users' experience with NGL is no different than that of other platforms, such as YOLO, LMK, and Sarahah, that have significantly injured minors. One disturbing review describes a user attempting suicide after experiencing bullying on the app.



⁵³ Section I, *supra*.



These injuries are clearly not outweighed by countervailing benefits to consumers or competition. The research is unequivocal that cyberbullying is strongly associated with negative mental health outcomes for young people. Any marginal benefit that some young users may derive from sending and receiving innocuous anonymous messages is overcome by the experience of those who are bullied and abused. As Carson Bride's story makes clear, the consequences of these anonymous peer messaging affordances are far too dire to be outweighed by any benefits to young consumers. And any benefit such a platform may create for competition

– which given the repeated failures of anonymous peer messaging platforms, appears to be minimal – is similarly outweighed by these grave harms.

Minors cannot reasonably avoid these injuries. As described in more detail in Section III.B below, NGL sells young people a false promise that if they want to reveal their anonymous message senders, they can pay to do so. That is absolutely not the case. As a result, young people download the platform only to discover that when they want to reveal a tormentor’s identity, *it is not possible* – and their money has been wasted in the process.

Once a young user has begun to experience bullying or abuse on NGL, they are unlikely to disengage from the app on their own. In general, minors’ strong orientation to social rewards makes it difficult for them to unplug. As Dr. Mitch Prinstein, Chief Science Officer of the American Psychological Association, testified to the Senate, teens’ desire for social rewards makes them “all gas pedal with no breaks” online.⁵⁴ Most kids and teens are not going to leave an app where they feel someone is bullying or talking badly about them for fear the bullying will just continue behind their back.⁵⁵ As Carson’s story and NGL user reviews demonstrate, many young peoples’ instinct is to stay on the platform and try to identify their tormentor(s). While an adult may be expected to mitigate such harms by ceasing use of the platform, a still-developing child or teenager cannot be expected to do the same. Further, kids and teens whose friends are using NGL as intended – on their social media accounts and stories – may witness bullying and abuse, thereby becoming secondary victims without ever downloading the app.⁵⁶

NGL Labs’ egregious conduct in marketing NGL is clearly unfair under Section 5 of the FTC Act.

B. NGL Labs deceives consumers in violation of Section 5 of the FTC Act.

The FTC’s Policy Statement on Deception sets out a three-part test. First, the FTC assesses whether there has been a representation, omission, or practice that is likely to mislead the consumer. Second, where the representation is directed to a particular group, the FTC examines reasonableness from the perspective of that group. Third, the FTC determines whether the representation, omission, or practice is material, i.e., whether it is likely to affect the consumer’s conduct or decision with regard to a product or service.⁵⁷ As outlined in Section I, above, NGL

⁵⁴ *Protecting Our Children Online: Hearing Before the S. Comm. on Judiciary*, 118th Cong. (2023) (Statement of Mitch Prinstein, Chief Science Officer, American Psychological Association), <https://www.judiciary.senate.gov/imo/media/doc/2023-02-14%20-%20Testimony%20-%20Prinstein1.pdf>.

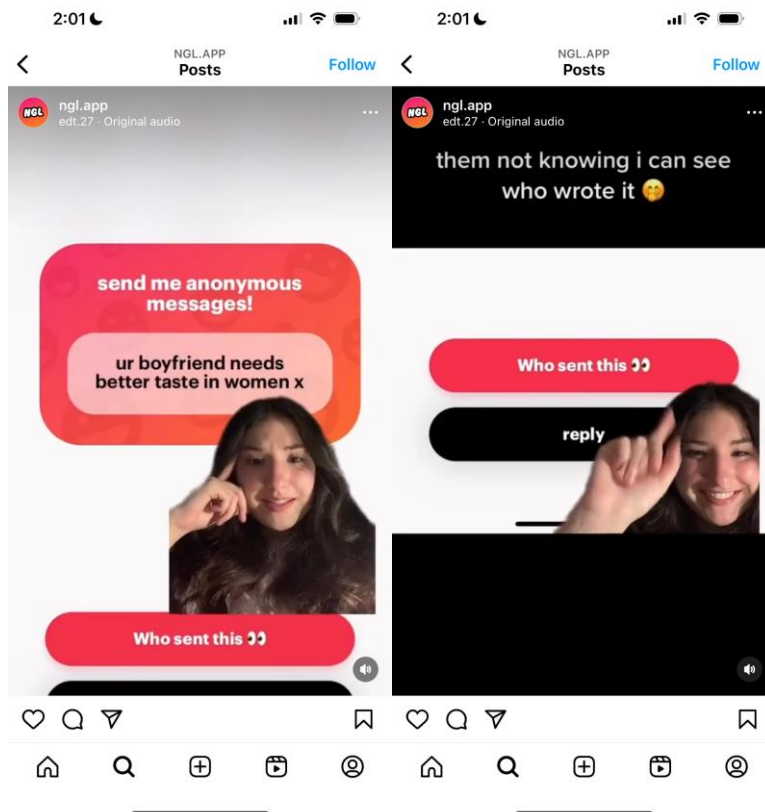
⁵⁵ Sameer Hinduja & Justin W. Patchin, *Bullying Beyond the Schoolyard* (Corwin 3rd Ed. 2024) at 144-146.

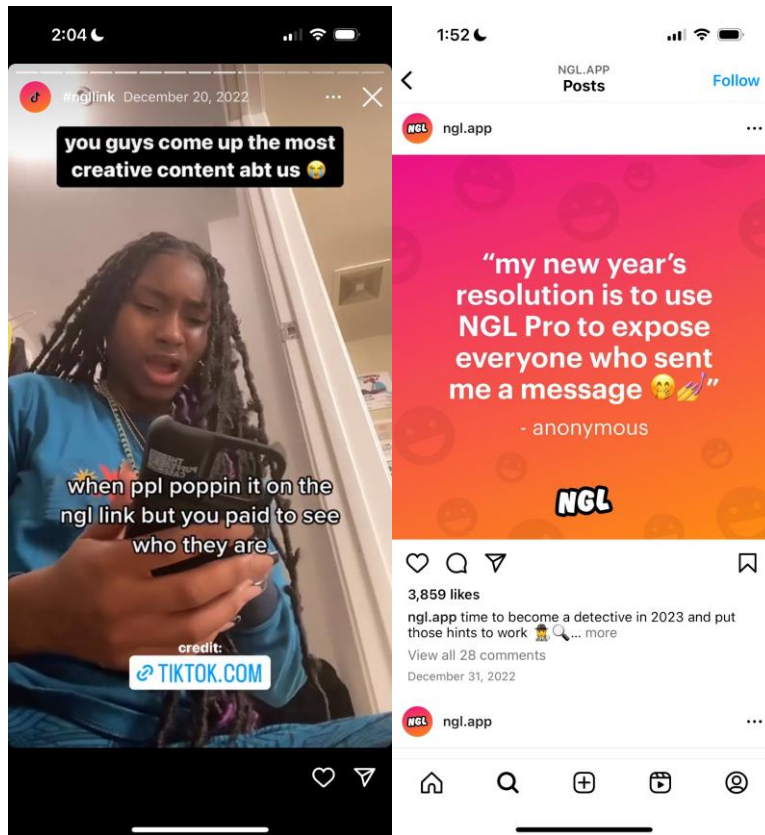
⁵⁶ Appendix Part 1, *infra*, Testimony of Parent, Georgia.

⁵⁷ Federal Trade Commission, *Policy Statement on Deception* (1983), https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf.

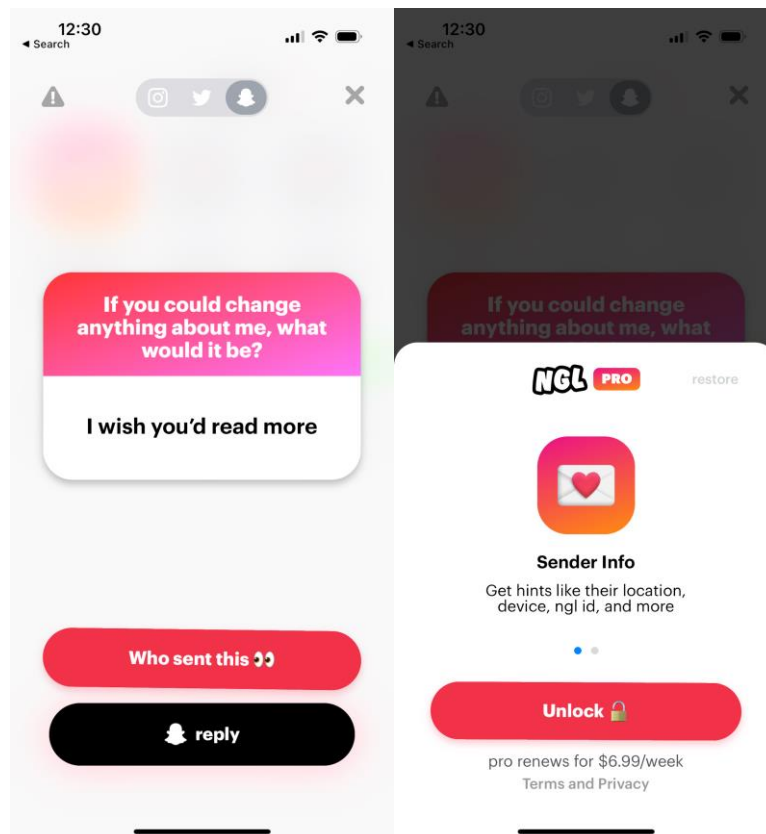
Labs markets NGL to minors, so the FTC should examine the reasonableness of its representations from the perspective of kids and teens.

NGL Labs' representations about its product are likely to mislead minors. The company falsely markets its Pro subscription to users as a means to identify message senders. It posts memes, photos, and videos on NGL's Instagram page that strongly imply that when a user pays for NGL Pro, the senders of their messages are revealed.

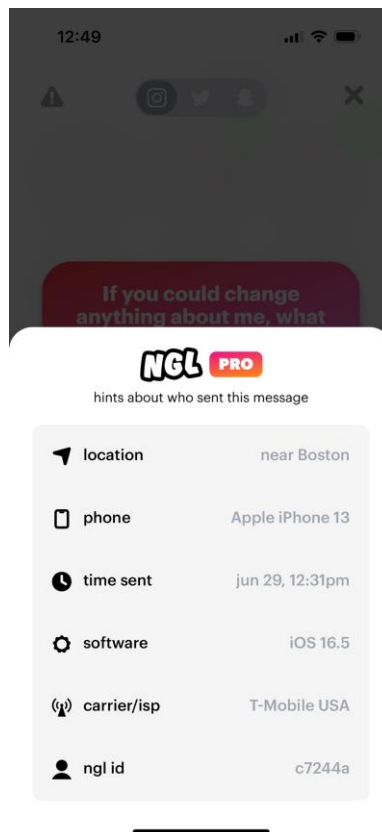




NGL Labs offers the Pro subscription as an in-app purchase. When a user opens a message in their NGL inbox, a bright pink button that says “Who sent this” shakes at the bottom of the screen. When a user clicks on that button, they get an offer to subscribe to NGL Pro to “get hints like their device location, ngl id, and more.” The pop-up message reads “Sender Info” in bold letters, and a pink button at the bottom invites the user to “unlock” the hints. A reasonable minor would interpret these representations – in particular, the large buttons that say “Who sent this” and “Unlock” – as indications that they will learn the identity of the message sender.

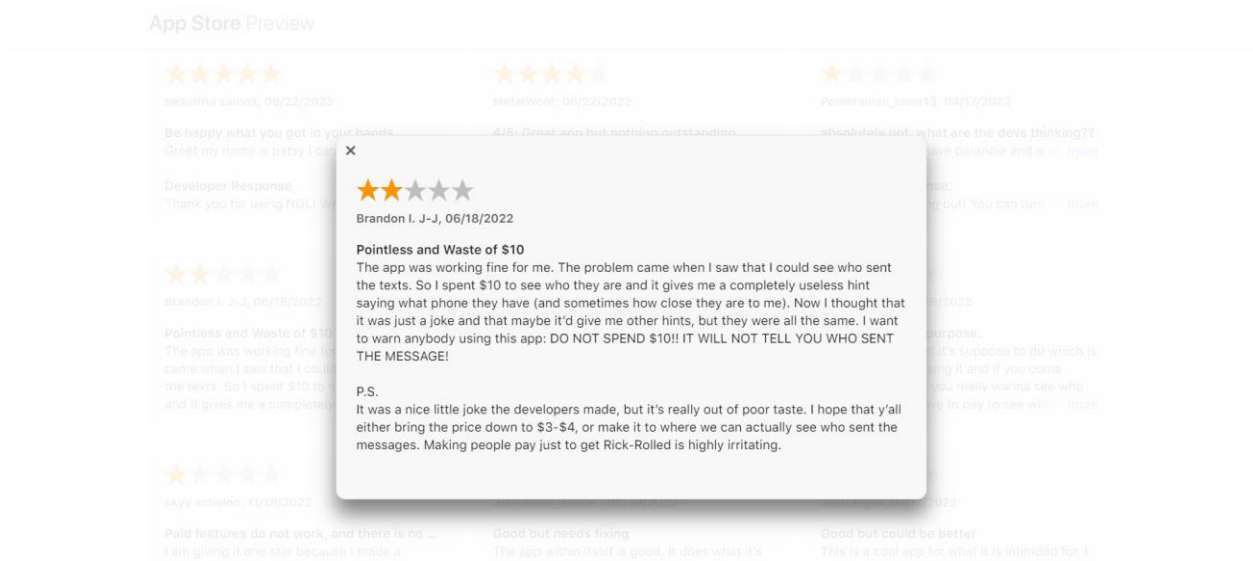
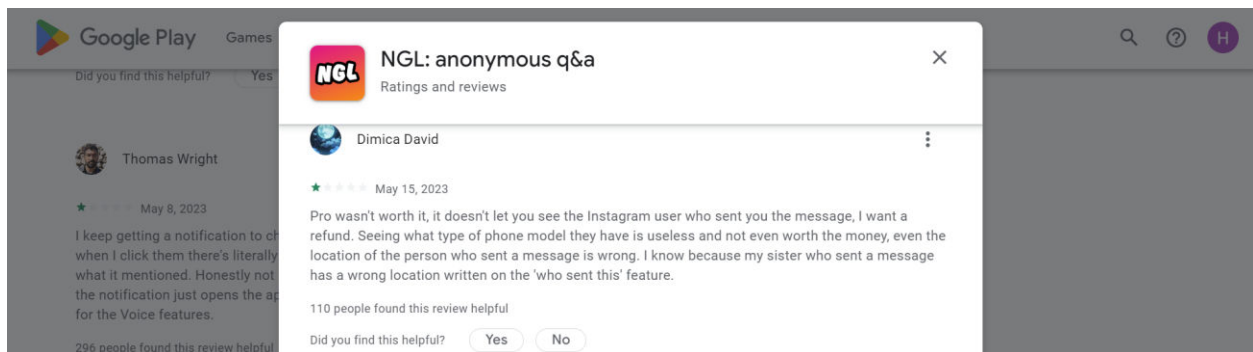
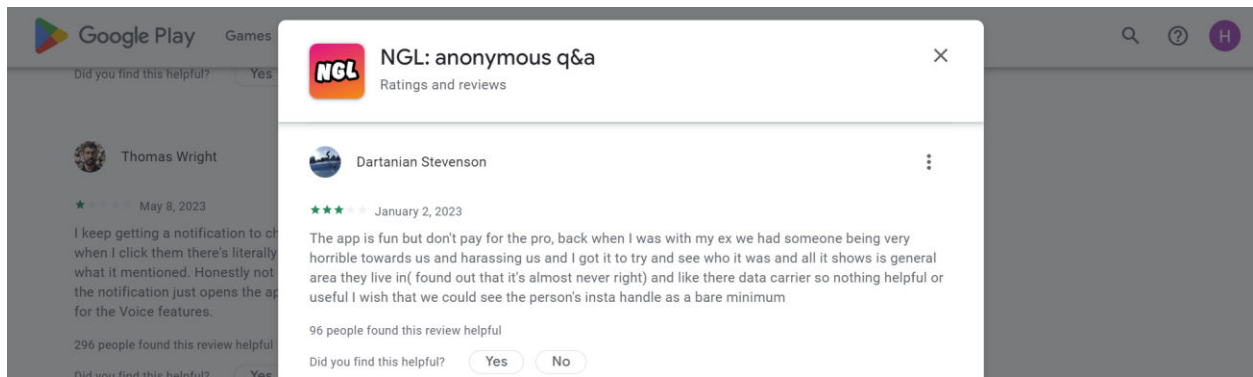


If the user clicks the Unlock button and follows the directions to complete the in-app NGL Pro purchase, the user receives a pop-up with the general location of the sender; the time the message was sent; the phone type, software, and cell phone service provider of the sender; and their NGL ID – a series of characters assigned to each user that are not meaningful to anyone who does not work for NGL Labs. Once a user has subscribed to NGL Pro, they can click the “Who sent this” button on every message in their inbox to receive this “hint” information.

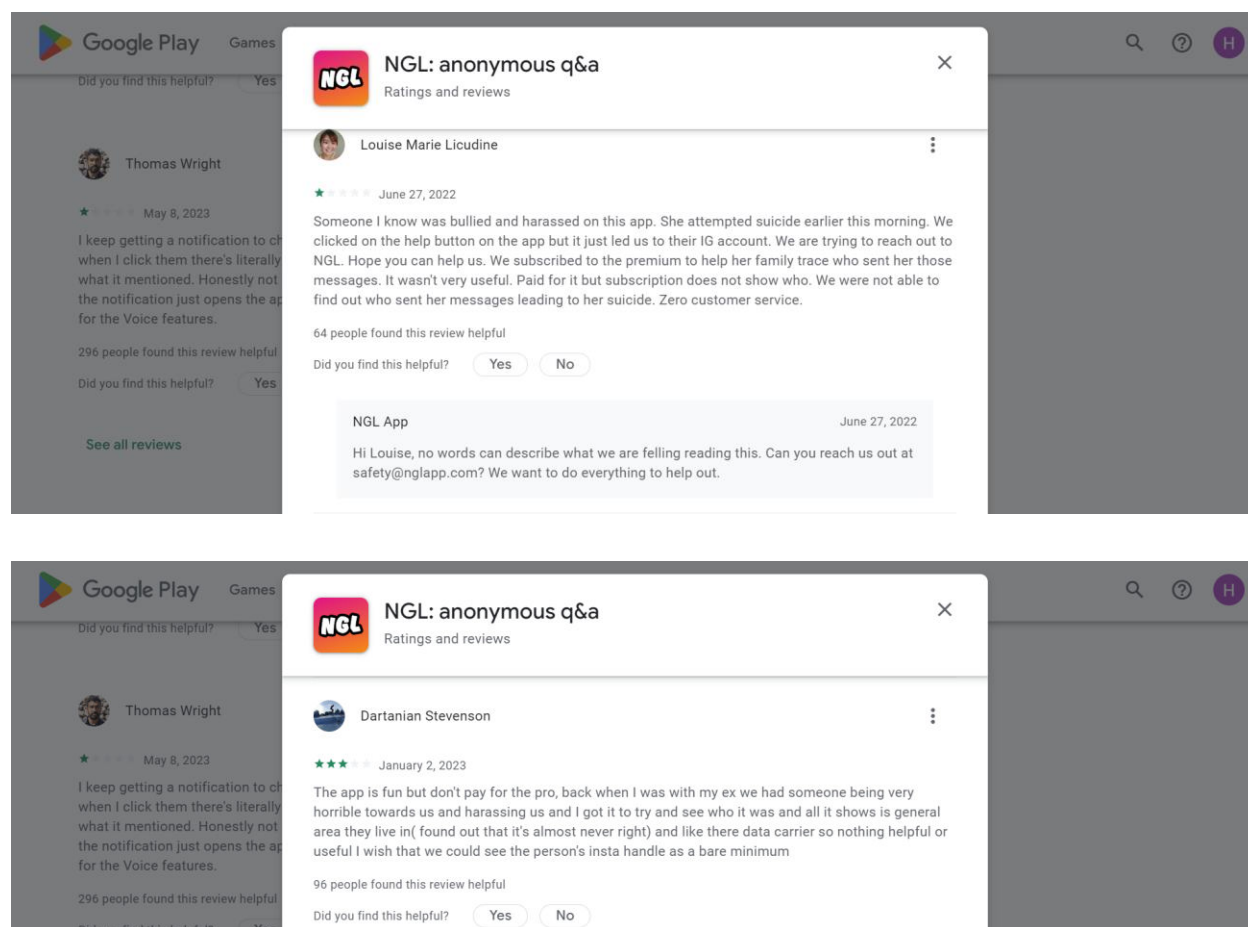


None of this information reveals the identity of a message sender. At best, if a sender was in a completely different location from the NGL user, the user might be able to make inferences based on knowledge of followers' location or travels. In the majority of cases, location information will do little to identify a user, because minors are presumably primarily communicating with friends and peers who live in their community.

Reviews of the NGL app bolster the fact that the company's promises are misleading. Many user reviews clearly indicated that they expected the Pro version would reveal the name or social media handle of the message sender, only to subscribe and learn that is not the case.



As demonstrated in Section III.A and reproduced below, other users complain that they paid for a Pro account so they could respond to bullying or harassment, only to find the information useless.

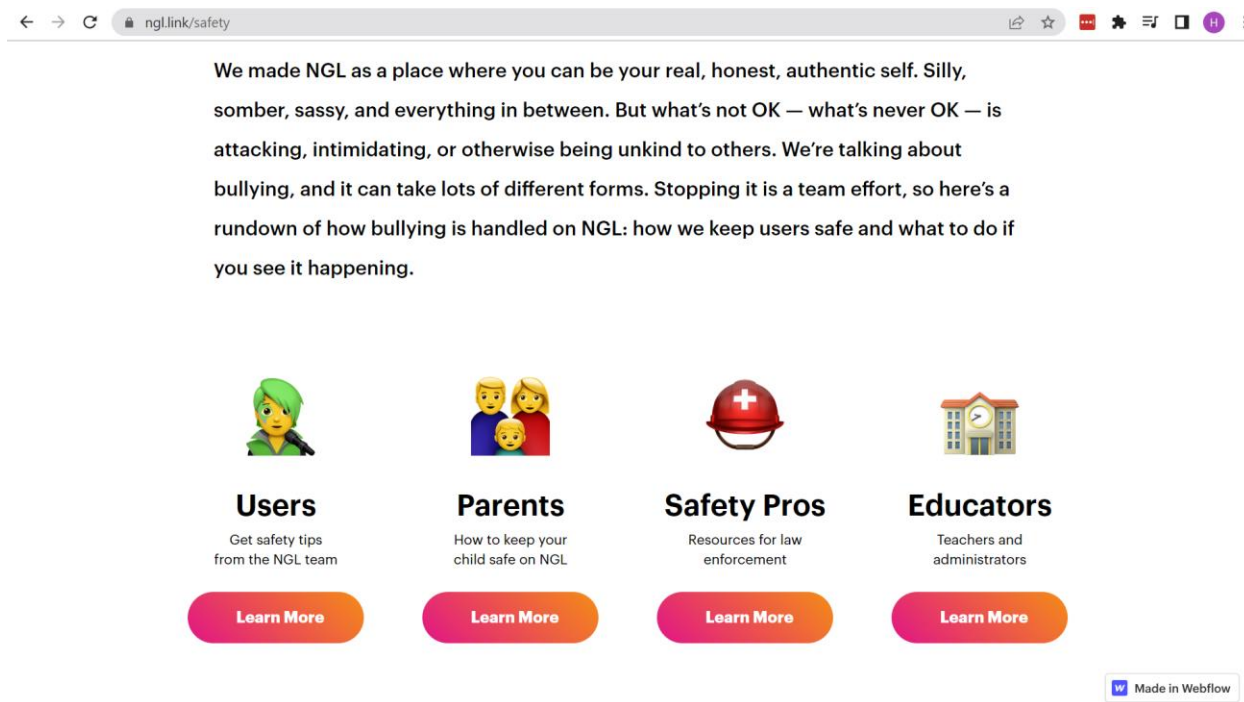


Despite marketing NGL Pro to users as an identification tool, the company admits on the “Safety Pros” page of its Safety Center that it cannot actually identify the sender of any message:

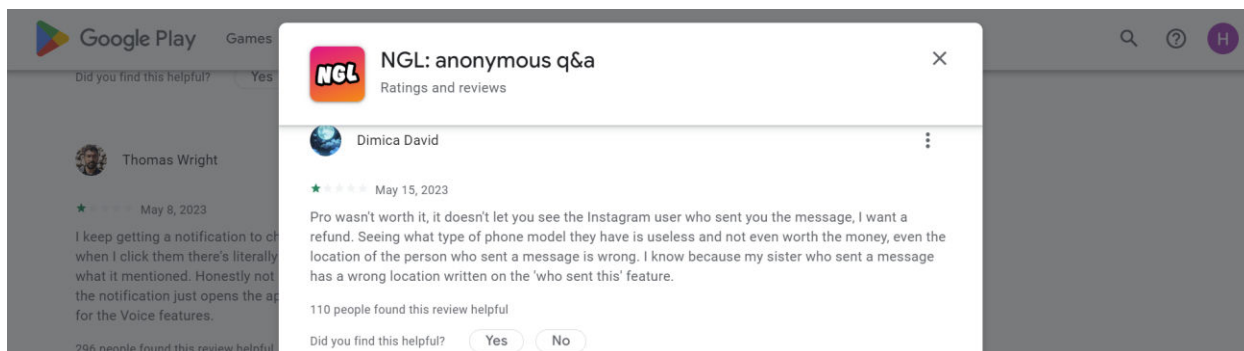
NGL is a truly anonymous app, and we have no way of knowing the identity or username of the message senders. This means that we do not have access to that information and would not be able to retrieve it, even at the request of law enforcement.

But that does not stop the company from leading users to believe *the exact opposite* in order to profit off of auto-renewing Pro subscriptions. NGL Labs’ representation that Pro subscribers learn “who sent” messages is likely to affect young users’ decision to purchase the subscription or even use the app in the first place. A prospective user who believes they will be able to reveal the identity of anyone who has said something particularly bad or good to them may be much

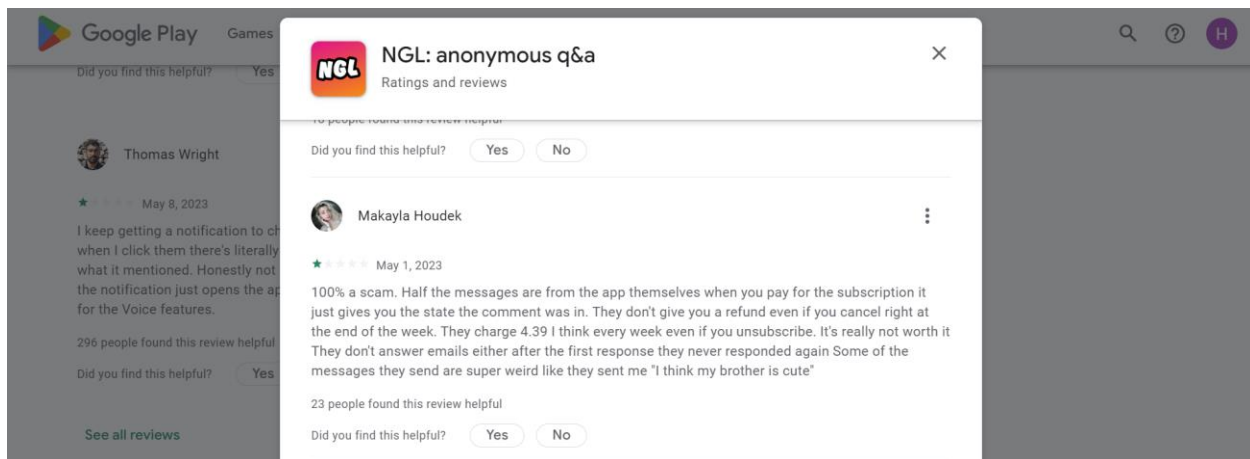
more likely to try the service than one who does not believe they have that option. And young prospective users are not likely to learn the truth from the “Safety Pros” page, which is described in NGL’s Safety Center as “Resources for law enforcement.”⁵⁸



These misrepresentations are material. A minor who visits NGL’s website and Instagram page would reasonably conclude that the app is a fun way to send and receive anonymous messages, but if someone sends particularly compelling information (such as an insult or the revelation of a crush), they can pay to reveal sender information. As is clear in the reviews reproduced above and below, users have complained that they believed the hints would be meaningful, but were instead “scammed” and regret making their purchase.



⁵⁸ NGL, *Staying Safe on NGL*, <https://ngl.link/safety>.



NGL Labs’ representations about NGL Pro are clearly likely to mislead young users and impact their purchase decisions. The company’s conduct is deceptive in violation of Section 5 of the FTC Act.

IV. Conclusion

History has proven time and again that anonymous peer messaging apps do not encourage “authenticity” online, but rather spread hate and abuse, with dire consequences for young users. It is deeply unfair and deceptive for NGL Labs to provide such a dangerous product to kids and teens and profit off of a useless “Pro” version in the process. We strongly urge the FTC to investigate NGL Labs for violations of Section 5 of the FTC Act.

Appendix 1: Testimonies

Complainants have included below additional testimonies from families and youth who have experienced harm as a result of anonymous peer messaging platforms. Submitters who wished to remain anonymous are identified by their home state.

Parent, Oregon

As a parent, my heart sank when I learned that my child was using anonymous apps like LMK and Yolo. At first, I was hopeful that it would be a fun way for them to interact with friends and express themselves freely. However, the reality of their experiences on these platforms quickly turned into a nightmare.

The first incident that truly shook me was when my child posted a picture of their new haircut on LMK, excited to share it with her friends. But instead of receiving the support and encouragement she was expecting, she was bombarded with hurtful comments and insults about their appearance. Seeing my child's face crumble with sadness and confusion was devastating, and I felt utterly helpless knowing that I couldn't shield them from the cruelty of anonymous users.

Another distressing encounter occurred when my child started receiving poor friend ratings on Yolo. The app allowed people to anonymously rate others, and the low ratings hit my child's self-esteem hard. The constant feeling of judgment and the fear of not being accepted took a toll on their mental well-being. I tried my best to be there for them, reminding them that their worth isn't determined by anonymous opinions, but the emotional scars left by such experiences were deep.

However, the most horrifying incident was when my child received a vicious message telling them to kill herself. The cruelty of some anonymous users on these platforms is simply unbearable. I can't even begin to comprehend how someone could be so heartless to send such a harmful message to a young, vulnerable individual. It was a nightmare scenario as a parent, and I immediately took steps to report the message to the app administrators.

But my efforts to seek help from Yolo were met with disappointment and frustration. When my child reached out to the app, pleading for the identities of those who sent the hateful messages, there was no response from the platform. The lack of action and accountability from the app developers only added to my concern and anger.

As a parent, it's incredibly disheartening to see my child go through such traumatic experiences on these anonymous apps. While I understand that the internet can be a double-edged sword, I

believe it's crucial for app developers to take responsibility for creating safe and nurturing environments for their young users. No child should have to endure cyberbullying or hate without proper support and protection from the platforms they use.

Alexander Reed, Massachusetts

YikYak launched during my sophomore year of college. At first it was all fun and games with lighthearted fun and the occasional person portraying themselves as a guy saying that they are horny and alone. But as everything that happens with the internet it turned dark and it got bad quick. The whole upvote or downvote system that was design to remove bad content quickly turned into what is the most disgusting or heinous thing someone can say and they get the up votes. People would keep pushing each other farther and farther down the road of what is and is not acceptable. I went to a small college of a little over 3000 students and I generally knew everyone by name or atleast by face walking to class, but I would have no idea who was making these comments.

I do not have all the details of what exactly happened to who and what the repercussions were but I do know it hurt plenty of people. Not just tears and long nights but friends transferred schools because they could not get out of the cycle of bullying and other people piling on. There was no one saying stop, only people pushing others to the edge for a reaction. I never spent a penny trying to find what people said about me or what they said about my friends, we were lucky that nothing tragic happened.

If an app got banned once due to bullying why would we ever let it back or others like it?

Parent, Georgia

My daughter witnessed someone posting an anonymous message on sendit where someone posted about suicidal thoughts and others messages about body shame which then furthering teen body image problems. These are all things that are easy to publicly post to someone in an effort to distress or humiliate them when there can be no personal accountability and follow up.

Appendix 2: Questions for Investigation

We urge the FTC to investigate NGL Labs’ business practices and assess the extent to which the company has ignored or mishandled risks to minors and misrepresented its ability to mitigate those risks. In the course of its investigation, we encourage the FTC to investigate the following topics and questions.

Is NGL engaging in deceptive practice by misstating its ability to moderate content for safety?

NGL appears to misstate the capacity of AI content moderation. According to NGL’s website:

To ensure the safety of our users, we use world class AI content moderation. We utilize deep learning and rule-based character pattern-matching algorithms to filter out harmful language and bullying. Our algorithm can also detect the semantic meaning of emojis, and our web scraper pulls specific examples of contextual emoji use. This means we stay on trend, we understand lingo, and we know how to filter out harmful messages.⁵⁹

The FTC should investigate the robustness of AI content moderation in terms of both its accuracy and effectiveness in detecting context-based harms. “ML tools also have difficulty accounting for context, subtlety, sarcasm, and subcultural meaning. Even the tools designed to identify duplicates may be insensitive to the use of the same content in a different context, like terrorist propaganda reposted in a journalistic context.”⁶⁰ The FTC should investigate the effectiveness of AI content moderation in terms of whether it serves the growing usership and needs at scale. “Content moderation on social media platforms often involves large and small components articulated into a single, functioning apparatus: small policy teams overseeing large populations of human moderators; short lists of guidelines fitted with large lists of procedures and exceptions; enormous populations of users attached to flagging mechanisms that produce tiny bits of data about many, many violations.”⁶¹

NGL appears to overstate that a small team can provide for the safety of its users at scale. According to its website, “NGL was built by a small team of designers and engineers in Venice Beach, California.”⁶² The FTC should investigate how much of the content moderation is driven and reviewed by human moderators versus AI moderators, as well as the training, support, and safety protocols provided to human AI moderators to ensure a safe workplace. AI moderation is

⁵⁹ NGL Home Page, <https://ngl.link/>.

⁶⁰ Tarleton Gillespie, *Content moderation, AI, and the question of scale*, 7 Big Data & Society (2020) (internal citations omitted), <https://doi.org/10.1177/2053951720943234>.

⁶¹ *Id.*

⁶² NGL Home Page, <https://ngl.link/>.

not a replacement for human moderators,⁶³ and human moderators deserve a safe work environment.⁶⁴

Does NGL's user reporting process effectively result in resolving the harms associated with harassment and bullying?

NGL promises to take action based on users' reports. According to the NGL website: "If you see something, say something! Report abuse by emailing our safety team right away. Get in touch with us at safety@nglapp.com and we can review the situation and take the necessary steps to ensure your safety."⁶⁵ We urge the FTC to investigate any and all data, statistics, logs, summaries, charts, tables, analysis, and trends gathered by the company regarding the number of user reports, contents of user reports, response rate by the company, response time, content of the response, and resolution of the reported matter.

Does NGL utilize safety measures to address harms specifically resulting from anonymity?

Despite anonymity being its central feature, it appears that NGL does not have any safety features that address the dangers of anonymity outlined above in Section II. We urge the FTC to investigate the extent to which NGL has been on notice that their type of product – an anonymous peer messaging platform – can cause serious detrimental harm to teens. Does NGL have any internal documents that reflect that they were aware of the problems and harms associated with anonymity? We encourage the FTC to seek in its investigation (1) any and all internal documents prepared by the company that address or report harms caused by anonymity features in apps used by minors; and (2) any documents presented to investors about the attraction that anonymity features have on young users (e.g., presentation materials used for pitching to investors, concept and idea documents, market research and comparison documents, etc.).

What monetary and psychological harms have been caused by NGL's deceptive Pro model?

Finally, we think the FTC should investigate whether NGL conducted any internal studies regarding minors' psychology and behaviors that related to the company's decision to sell

⁶³ Sophia Khatsenkova, *The EU tells Twitter to hire more human content moderators amid concerns of rise of illegal content*, Euronews.next (March 9, 2023) ("According to the Financial Times, EU regulators have asked Musk to hire more people to fact-check and review illegal content and disinformation."), <https://www.euronews.com/next/2023/03/09/the-eu-tells-twitter-to-hire-more-human-content-moderators-amid-concerns-of-rise-of-illegal-content>.

⁶⁴ Elizabeth Dwoskin, Jeanne Whalen & Regine Cabato, *Content moderators at YouTube, Facebook and Twitter see the worst of the web — and suffer silently*, Washington Post (July 25, 2019), <https://www.washingtonpost.com/technology/2019/07/25/social-media-companies-are-outsourcing-their-dirty-work-philippines-generation-workers-is-paying-price/>.

⁶⁵ NGL, *User Safety*, <https://ngl.link/user-safety>.

“hints” regarding anonymous senders. Are there any internal documents that (1) show the trend of sales and subscriptions for “hints” among its young users; (2) discuss or analyze which users are more likely to purchase a Pro subscription and/or reasons why users would purchase the product; or (3) analyze whether the product is designed to actually provide the identity of the user? Are there any internal documents (research, studies, internal analysis, internal reports, materials sent to investors) that provide a rationale and justification for determining the pricing point for NGL Pro?