Written Testimony of
Ariel Fox Johnson
Senior Counsel, Global Policy
Common Sense Media

Before the
United States House of Representatives
Committee on Energy and Commerce
Subcommittee on Consumer Protection and Commerce

Regarding
"Kids Online During COVID: Child Safety in an Increasingly Digital Age"

March 11, 2021

I.   Introduction

Good morning Chair Schakowsky, Ranking Member Bilirakis, and members of the Subcommittee, thank you for the opportunity to appear before you and for recognizing that the digital world, for all of its opportunities, poses unique risks and harms to children. The pandemic has exacerbated these risks and harms.

My name is Ariel Fox Johnson and I am the Senior Counsel for Global Policy at Common Sense Media. Common Sense, which was founded in 2003 by CEO James P. Steyer, is the leading organization dedicated to helping kids and families thrive in a rapidly changing digital world. We help parents, teachers, and policymakers by providing unbiased information, trusted advice, and innovative tools to help them harness the power of media and technology as a positive force in all kids' lives. Common Sense has helped millions of families and kids think critically and make smart, responsible choices about the media they create and consume.

Common Sense reaches 125 million households with its age-appropriate media ratings and reviews and our award winning Digital Citizenship Curriculum is the most comprehensive K-12 offering of its kind in the education field; we have over 1 million registered educators using our resources in over half of U.S. schools. Our Research Program offers reliable, independent data on children's use of media and technology and the impact it has on their physical, emotional, social, and intellectual development. Our Privacy program evaluates popular ed-tech products for homes and classrooms, and we actively support the unique needs of low-income families and families of color, empowering them to navigate the digital world with confidence.

We have long advocated for rules and policies that protect individuals' privacy, improve connectivity for students and families, and hold tech companies accountable to ensure a healthy internet for all. We've supported efforts to update the Children's Online Privacy Protection Act (COPPA) and the Federal Trade Commission's COPPA Rule. We were a sponsor of California's precedent-setting consumer privacy law, the California Consumer Privacy Act (CCPA). We have also sponsored and supported privacy and technology laws across the country and at the federal level, including California's landmark Student Online Privacy Information Protection Act and Delaware's Online Privacy and Protection Act. We have also advocated for more independent research to better understand the relationships between digital media use and early and adolescent development, such as the Children and Media Research Advancement Act (CAMRA). We have pushed to better connect students and families through E-Rate and Lifeline, and laid the groundwork for the American Rescue Plan's over $7 billion for connecting students and teachers. And we have supported innovative state and federal proposals to address manipulative design, curb harmful advertising, and create an online environment that lifts up children and families.

My testimony is divided into three sections that identify specific online threats and harms to children and offer policy solutions to those serious challenges. **First, I will discuss how children and teens are on the front lines of our online world, uniquely vulnerable to digital harms.** Kids spend an increasing and inordinate amount of time on devices, and at the same time their brains are still developing so they are particularly exposed. **Second, I will discuss how the status quo is failing young people.** Our youngest children are the most surveilled generation ever. Technology today manipulates kids to be 'always on' and drives them to more outrageous content. Companies and influencers commercialize childhood to a degree not seen in traditional media. Children and teens face a toxic online environment that they are ill-equipped to defend against, and it is hurting their mental well-being. **Finally, I will discuss solutions to these challenges that can be taken by Congress and by tech leaders themselves.** Updated privacy rules, a Children's Television Act for the digital world, and safeguards against digital manipulation will go a long way towards holding technology companies accountable. And in the meantime, there is much that companies can do on their own as well.

I. Children and Teens Are On the Front Lines Online

A. Kids Spend an Increasing Amount of Time on Devices

Even pre-pandemic, young people were spending increasing amounts of time on devices and online. And in the past year, it has felt like all of life has moved online: virtual playdates, ballet and soccer class, music lessons, and storytimes; video calls and online games with grandparents; remote school. While it was always debatable whether young people could "choose" to be online, given that so many of their peers were, it is now crystal clear that this is not a choice. In order to connect with friends and family, receive an education, and participate in cultural and community events, children had to be online this past year.

According to Common Sense research, by 2019, device ownership was the norm for even young children, and screen time had multiplied in recent years. Nearly half of 2- to 4-year-olds and more than two-thirds of 5- to 8-year-olds have their own tablet or smartphone. By age 11, a majority of kids have their own smartphone, and by 12 more than two-thirds do. Prior to the pandemic, children from birth to age 8 use about two and a half hours of screen media a day (almost 40 minutes a day watching online videos on platforms like Youtube and Tiktok), 8- to 12-year-olds in this country used just under five hours' worth of entertainment screen media per day, and teens used an average of just under seven and a half hours' worth—not including time spent using screens for school or homework. Already, in 2019, more than twice as many young people watched videos every day than did in 2015, and the average time spent watching had

roughly doubled.[1] The Pew Research Center reported that 53% of children younger than 11 view YouTube daily, with 35% viewing multiple times per day.[2]

Much of the screen time even young kids spend today occurs without their parents. Parental co-use goes down dramatically as the child's age goes up: The proportion of parents who say they use media "most of the time" with their 5- to 8-year-old child ranges from 11% to 19%, depending on the media activity (compared to 37% to 62% for parents of children under 2).[3]

Importantly, children in lower-income households pre-pandemic were spending nearly two hours more with screens than children from higher-income households, and the gap by race and ethnicity had also grown substantially.[4] In addition, lower-income households are more likely to have mobile connectivity and limited bandwidth--these factors make it harder for children to use technology in ways that allow them to create and produce.[5]

The pandemic further increased the time kids spent with devices, when children turned to screens to meet essentially all of their needs (social, educational, even physical). Screen time post-pandemic is up, in some studies 50%.[6] While for older children and teens, distance learning is a big driver, screen time is up for younger kids too. For children under 5, a Morning Consult poll found that whereas pre pandemic, 70% of parents reported 3 hours or less of screen time, post-pandemic, almost 60% of parents reported 4 hours or more of screen time.[7] Television viewing--including smart TVs and streaming--for 2-15 year olds was literally a full day a week in October 2020.[8] YouTube and gaming consoles have seen big spikes in usage.[9] Roblox, a popular online game platform and game creation system, averaged 82% more daily users in the first 9 months of 2020 than it had the year prior.[10] Two-thirds of teens report texting and connecting with friends and family on social media more than before the pandemic.[11] Social media use on mobile

---

[1] Rideout, V., and Robb, M. B. (2019). The Common Sense census: Media use by tweens and teens, 2019. San Francisco, CA: Common Sense Media. Rideout, V., & Robb, M. B. (2020).; The Common Sense census: Media use by kids age zero to eight, 2020. San Francisco, CA: Common Sense Media.

[2] Parenting Children in the Age of Screens, Pew Research Center, (July 2020).

[3] Rideout, V., & Robb, M. B. (2020). The Common Sense census: Media use by kids age zero to eight, 2020. San Francisco, CA: Common Sense Media.

[4] Ibid

[5] Alexis Martin et al, Teacher Perspectives on COVID-19's Impact on K-12 Computer Science Instruction, Kapor Center, (September 30, 2020).

[6] Sara Fische & Margaret Harding McGill, Kids' screen time up 50% during pandemic, AXIOS, (2021).

[7] Sarah Shevenock, YouTube, Netflix and Gaming: A Look at What Kids Are Doing With Their Increased Screen Time, Morning Consult, (August 21, 2020).

[8] Ryan Tuchow, Kid device usage changing as a result of the pandemic, Kidscreen, (February 19, 2021).

[9] Sara Fische & Margaret Harding McGill, Kids' screen time up 50% during pandemic, AXIOS, (2021).

[10] Kellen Browning and Lauren Hirsch, Roblox, edging toward I.P.O., reveals surging revenue and losses, New York Times, (November 19, 2020).

[11] How Teens Are Coping and Connecting in the Time of the Coronavirus, Common Sense Media and Survey Monkey, (2020).

devices is up 49%.[12] An online monitoring company used by parents and schools found a 144% increase in online messages sent and received by children.[13] And some predict that the longer the pandemic goes on, the more likely these media habits will stick.[14]

It is important to note that "screen time" is not monolithic, and the pandemic has shown us the variety of ways that technology can be used for good and for bad. Common Sense has joined with other experts in trying to reframe parents' focus to be on quality, not quantity.[15] Nonetheless, in too many instances, the content targeted at and consumed by children is not of high quality. And parents are worried. Pew Research found in October 2020 that 63% of parents with school aged children were more concerned about screen time now than in the past.[16] A national poll found that of the top 10 child health concerns among all parents in 2020, the first three involved the internet: overuse of social media, bullying/cyberbullying, and internet safety.[17]

B. Kids' Brains Are Still Developing

Parental--and societal--concerns about screen time, social media, and online safety are more acute for kids because their brains are still developing. Young people are prone to sharing and impulsive behavior, less able to understand the complex data ecosystems that make up the internet, and more susceptible to advertising and other online persuasion.[18]

Both young children and teens are prone to overshare. The UK Children's Commissioner found that, pre-pandemic, children posted an average of 26 times a day to social media, averaging 70,000 posts by age 18.[19] This has implications for their privacy.

Children do not understand the consequences of their sharing.[20] They anticipate that information shared remains at a device level, or within an app or game. They believe that deleting an app or information within an app will delete it from the internet, and do not expect or understand that an

---

[12] Ryan Tuchow, Kid device usage changing as a result of the pandemic, Kidscreen, (February 19, 2021).

[13] Heather Kelly, Growing up on screens: How a year lived online has changed our children, Washington Post, (March 5, 2021).

[14] Ryan Tuchow, Kid device usage changing as a result of the pandemic, Kidscreen, (February 19, 2021).

[15] Mike Robb, Screen Time in the Age of the Coronavirus, Common Sense Media, (April 7, 2020).

[16] "Most Parents of K-12 Students Learning Online Worry About Them Falling Behind", Pew Research Center, (October 2020).

[17] C.S. Mott Children's Hospital National Poll on Children's Health at Michigan Medicine.

[18] Children, Adolescents, and Advertising, Committee on Communications Pediatrics, (Dec 2006).

[19] Who Knows What About Me?, Children's Commissioner, (Nov. 8, 2018). According to the UK Children's Commissioner, on average, 1,300 photos of a kid will be posted before they turn thirteen years old.

[20] Children may not understand what is going on, whereas teens may have a slightly better sense but be more likely to partake in risky behavior.; *see* Adriana Galvan et al., *Earlier Development of the Accumbens Relative to Orbitofrontal Cortex Might Underlie Risk-Taking Behavior in Adolescents* 26 Journal of Neuroscience 25 (2006) (teens' brain development can bias them towards risky behaviors).

app may gather information about them from outside-app sources.[21] They may even view monitoring by others as a positive, especially if they are very young.[22] (While older children may understand some negatives to sharing too much information, in studies this centers around strangers and physical risks, and not commercial surveillance.[23]) Even older and literate children struggle to understand privacy policies, which can be long and full of legalese. [24]

Teens, too, are more likely to share without thinking, focusing on the immediate present and not long-term consequences as their brains prioritize rewards and minimize risks.[25] Fifty-eight percent of twelve to fifteen-year-olds think it is easy to delete their information online.[26] What's more, given susceptibility to peer pressure, teens will even stay and share in online communities that are no longer enjoyable to them, as that is where their friends are.[27] Social media is designed in a way that is particularly appealing to teenagers and emerging adults, when individuals are oriented toward others, belonging, groups, and acceptance.[28]

Even when teens have consented to share their information, they may not understand how far the information will go and the lifelong consequences of that sharing. Only a third of teens think social networking sites do a good job of explaining what they do with users' information.[29] When it comes to reading privacy policies, Common Sense research has found only a small minority of people read the terms of service on social networking sites. Only 17 percent of teens say they read the terms of service "almost all the time," compared to 36 percent of parents.[30]

---

[21] Anonymous Author(s). 2021. "They See You're a Girl if You Pick a Pink Robot with a Skirt": How Children Conceptualize Data Processing and Digital Privacy Risks. In CHI '21: ACM CHI Conference on Human Factors in Computing Systems, May 8–13, 2021, Yokohama, Japan. ACM, New York, NY, USA

[22] Gelman, Martinez, Davidson, Noles (2018), Child Development Journal; Sonia Livingstone, Mariya Soilova, Rishita Nadagiri, Children's data and privacy online: Growing up in a digital age, An evidence review, (December 2018).; p. 18. Children 4-7 view GPS tracking favorably, not as a privacy concern, and even 8-11 year olds can view monitoring as positive to ensure their safety.

[23] Anonymous Author(s). 2021. "They See You're a Girl if You Pick a Pink Robot with a Skirt": How Children Conceptualize Data Processing and Digital Privacy Risks. In CHI '21: ACM CHI Conference on Human Factors in Computing Systems, May 8–13, 2021, Yokohama, Japan. ACM, New York, NY, USA

[24] Children's data and privacy online: Growing up in a digital age, An evidence review, Sonia Livingstone, Mariya Soilova, Rishita Nadagiri, p. 15. (December 2018).

[25] Adriana Galvan et al., *Earlier Development of the Accumbens Relative to Orbitofrontal Cortex Might Underlie Risk-Taking Behavior in Adolescents* 26 Journal of Neuroscience 25 (2006); Adriana Galván and Kristine M. McGlennen, *Enhanced Striatal Sensitivity to Aversive Reinforcement in Adolescents versus Adults*, 25 (2) J. of Cognitive Neuroscience 284–296 (2013).

[26] OFCOM, Children and Parents: Media Use and Attitudes Report, (Nov. 2016).

[27] Center for Digital Democracy and the Campaign for a Commercial Free Childhood Comments before the Federal Trade Commission, Competition and Consumer Protection in the 21st Century, Hearing #12: The FTC's Approach to Consumer Privacy (2019), at 12, citing Taylor Lorenz, Teens Are Being Bullied 'Constantly' on Instagram, The Atlantic (Oct. 10, 2018), "teens stay on Instagram even with cyberbullying because "quitting wasn't an option"

[28] Zuboff, Shoshana, The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power, p. 449, (January 15, 2019).

[29] Common Sense Media, Privacy Matters: Protecting Digital Privacy for Parents and Kids, (2018).

[30] Ibid

This is entirely rational given that many privacy policies are written for higher grade levels and can be full of legalese.

Parents too feel fairly helpless when it comes to protecting kids' privacy. In many instances, parents would like to make changes to protect privacy and are afraid of privacy consequences and data misuse, but do not know where to begin.[31] And most parents say that social networking sites and apps don't do a good job explaining what they do with users' data.[32] Even before the pandemic, 71% of parents were worried that use of devices at such a young age may do kids more harm than good.[33]

Children and teens' developing brains also have trouble both identifying and understanding advertising, and new technologies and advertising techniques, like native ads and influencer marketing, exacerbates these difficulties.[34] Research suggests children are not aware of advertisements until they reach 4–5 years of age.[35] And even older children still have trouble identifying advertisements: 75% of kids between 8-11 years old cannot distinguish ads.[36] Historically many of these studies have been done with television ads, but other studies have found children are even worse at identifying advertisements on the internet. The lack of separation between sponsored and non-sponsored content online can make it harder for a child to discern an advertisement from entertainment.[37] Online, we see older children very often confuse Google search ads with organic search results, and indeed less than half of young teens in one study understood that the top search results in a Google search had paid to appear, even when the results were labeled with an orange box reading "ad".[38] Companies also hide commercial exhortations in advergames, which are videos and online games that integrate advertising into a game to promote products. Children play these without realizing they are engaging with an ad.[39]

---

[31] What's That You Say? Smart Speakers and Voice Assistants Toplines, Common Sense Media (May 2019).; Anonymous Author(s). 2021. "They See You're a Girl if You Pick a Pink Robot with a Skirt": How Children Conceptualize Data Processing and Digital Privacy Risks. In CHI '21: ACM CHI Conference on Human Factors in Computing Systems, May 8–13, 2021, Yokohama, Japan. ACM, New York, NY, USA.

[32] Common Sense Media, Privacy Matters: Protecting Digital Privacy for Parents and Kids (2018).

[33] Parenting Children in the Age of Screens, Pew Research Center, (July 2020).

[34] Common Sense Comments to the Federal Trade Commission on Guides Concerning the Use of Endorsements and Testimonials in Advertising, (June 22, 2020).

[35] Ibid

[36] Ofcom, Children and parents: media use and attitudes report, November 2016

[37] American Psychological Association, Advertising and Children, February 20, 2004 http://www.apa.org/pubs/info/reports/advertising-children; Hudders, Liselot & Cauberghe, Verolien & Panic, Katarina. (2015). How Advertising Literacy Training Affects Children's Responses to Television Commercials versus Advergames. International Journal of Advertising. 10.1080/02650487.2015.1090045.

[38] Common Sense Comments to the Federal Trade Commission on Guides Concerning the Use of Endorsements and Testimonials in Advertising, (June 22, 2020).

[39] Soontae An, Hyun Seung Jin & Eun Hae Park (2014) Children's Advertising Literacy for Advergames: Perception of the Game as Advertising, Journal of Advertising, 43:1, 63-72, DOI: 10.1080/00913367.2013.795123

Identifying an ad is only half the battle. Even when children can differentiate between ads and other content, they still struggle to understand the commercial purpose of the advertisement. Children under 8 years old lack the cognitive ability to understand the persuasive or "selling" intent of advertisements, and this knowledge of persuasion is still underdeveloped until at least age 12. Some researchers found that children ages 6–7 predominantly view advertisements as informational breaks for the watchers or the makers of a tv program.[40] If ads are harder to identify online, that cannot help children in understanding their commercial intent.

II.   The Status Quo Is Failing Young People

Technology was already failing families before covid. Shutdowns and stay-at-home policies have magnified and multiplied these problems. Technology has intruded into every aspect of our kids' lives and every corner of our homes. And the companies providing technologies and related services have grown unchecked and unaccountable--too many are manipulating children online, misusing their personal information, and exposing kids to harm.

A. Children Are Growing Up Surveilled

Kids today face surveillance unlike any other generation – their every movement online and off can be tracked by dozens if not hundreds of companies. We talk of a digital footprint, but at this point it is more accurately a full-body scan. And we have little reason to think that all of this data collected is being maintained and used in a way that respects children's privacy. As discussed above, children and teens may not think twice before sharing information, and do not understand what happens to their information once shared. They can also be early adopters of invasive and insecure technology.[41] One analysis found that more than half of thousands of free children's apps may serve kids ads in violation of federal law.[42] Privacy is an equity issue, and children with low socioeconomic status were more likely to play games collecting and sharing information for advertisements. Among young children's apps, a study found two-thirds collected and shared persistent identifiers for advertising purposes, also not permitted without parental consent under federal law.[43] Yet another study found that popular apps for teenagers

---

[40] Samantha Graff, Dale Kunkel & Seth E. Mermin, *Government Can Regulate Food Advertising to Children Because Cognitive Research Shows that it is Inherently Misleading,*Health Affairs 2, 392-398 2012 . Valkenburg, P. M., & Cantor, J. (2001). *The development of a child into a consumer.* Journal of Applied Developmental Psychology, 22(1), 61–72. https://doi.org/10.1016/S0193-3973(00)00066-6 Most children's understanding of the "selling intent" of television food ads did not emerge until around 7–8 years, reaching 90% by 11–12 years. Owen B.J.Carter et al, *Children's understanding of the selling versus persuasive intent of junk food advertising: Implications for regulation*, Social Science & Medicine, Volume 72, Issue 6, p. 962-968, (March 2011).

[41] Johnson, Ariel Fox (2019) "13 Going on 30: An Exploration of Expanding COPPA's Privacy Protections to Everyone," Seton Hall Legislative Journal: Vol. 44 : Iss. 3 , Article 1.

[42] Reyes et. al, "Won't Somebody Think of the Children?" Examining COPPA Compliance at Scale. Proceedings on Privacy Enhancing Technologies, (2018).

[43] Zhao F, Egelman S, Weeks HM, Kaciroti N, Miller AL, Radesky JS. Data collection practices of mobile applications played by preschool-aged children. *JAMA Pediatrics*, accepted for publication.

included more third-party trackers than apps for adults, and were more likely to seek access to personal information stored on phones.[44] More than half of connected devices do not provide proper information on how they collect, use and disclose users' personal information.[45] In the last five years, millions of kids and parents have had sensitive information--including family chats--exposed by connected toys.[46] Data brokers have sold profiles of children at least as young as two (and identity theft can occur before a child's first birthday).[47] And companies are almost always seeking more--it is not uncommon for companies to use clever design to get as much information as possible out of a user, and then use that knowledge to go back for more.

This poses real concerns for kids. As the head of the UK ICO has noted, "if we have a generation who grow up seeing digital services misuse their personal data, what does that do to their trust in innovation in the future?" [48] Children do not want their data shared: research in the UK and Ireland has found kids are "outraged" when they learn what businesses do with information they collect, and that kids find targeted ads to be "unfair" and "annoying" as "companies ha[ve] no business using their personal data for profit."[49] And feelings are similar here: 68% of teens are concerned about how social media sites target them with advertisements.[50] The risks to young people of having all of their information and data collected are manifold, as detailed extensively in Common Sense's report Privacy Risks & Harms.[51] Inadvertent disclosure or misuse of a child's personal information can lead to emotional, behavioral, and safety problems, including: cyberbullying, radicalization, substance abuse, limited educational opportunities, self-harm, contact from strangers, identity theft and increased parent-child conflict. Ultimately, children will self-censor themselves for fear of surveillance.

B. Tech Manipulates Kids To Be "Always On" And Drives Them To More Outrageous Content

---

[44] Risky Business: A New Study Assessing Teen Privacy in Mobile Apps, BBB National Programs, (October 2020).

[45] GPEN Privacy Sweep on Internet of Things, (2016).

[46] Jensen, Data Breach Involving CloudPets "Smart" Toys Raises Internet-of-Things Security Concerns, Data Privacy + Security Insider (2017).; and Caroline Knorr, Real-World Reasons Parents Should Care About Kids and Online Privacy, Common Sense Media, (2018).

[47] Ibid.

[48] Elizabeth Denham, From facial recognition technology to children online: regulating data protection in 2021, Office of the ICO, (March 3, 2021).

[49] Sonia Livingstone, Mariya Soilova, Rishita Nadagiri, Children's data and privacy online: Growing up in a digital age, An evidence review, (Dec. 2018).; Know Your Rights and Have Your Say! Stream Two of the DPC's Public Consultation on the Processing of Children's Personal Data and the Rights of Children as Data Subjects under the GDPR, Data Protection Commission, (January 28, 2019).; "Some stuff you just want to keep private!" – Preliminary report on Stream II of the DPC's consultation on the processing of children's personal data and the rights of children as data subjects under the GDPR, (July 29,2019).

[50] Common Sense Media, Privacy Matters: Protecting Digital Privacy for Parents and Kids, (2018).

[51] Kelly, G., Graham, J., Bronfman, J., & Garton, S. (2019). Privacy risks and harms. San Francisco, CA: Common Sense Media.

Manipulative design takes further advantage of kids--subverting their choices and autonomy and causing them not only to give up more information than otherwise but also to spend more time clicking and scrolling and taking them down rabbit holes. Indeed, almost half of teens report feeling "addicted" to their phones.[52] Social media platforms offer immediate and variable rewards, just like casino games, and these can lead to compulsion.[53] Infinite scrolls do not offer any visual cues or reminders to young people to stop. "Awards" for repeat use or actions, like Snapchat's "Snapstreaks" for daily communication with friends, encourage unnecessary and excessive engagement. Autoplay videos keep kids glued to the screen even after a show is over.

Video and content recommendations do more than keep kids hooked. They also lead children to increasingly sensationalist, inappropriate, and illegal content (and lead adults to similar, including content involving children).[54] Social media can glorify harmful crazes (like swallowing laundry detergent) and violence (children posing with weapons and being virtually cheered on can and has turned into tragedy). A parent reported to us that when the pandemic began and she had no childcare, she turned to YouTube, and was horrified when her nine year old's autoplay of Dora videos turned into a graphic clip of Dora being raped. Kids have moved to digital spaces to connect with friends during the pandemic, and such spaces can be difficult for parents to monitor and easy for kids to navigate into mature content. With little adult oversight either by parents or the companies themselves, these platforms can quickly allow for bad behavior and sharing of explicit content. Almost half (46%) of parents say their child younger than 11 has accessed inappropriate videos on YouTube, and 65% say they are concerned about the types of videos recommended to their child (Auxier et al., 2020).[55] On the user generated gaming platform Roblox, reporters found numerous virtual spaces where underage users created animated pornographic images and naked avatars could engage in simulated sexual acts. A recent report by Fast Company outlined the rise of spaces created for digital sex parties, known as "condo games", to be created and then shared on platforms such as Roblox and Discord. These "condo games" have been strongly criticized by experts on child predators for operating as prime spaces for predators to groom children for sexual abuse.[56]

Online games and social media are also rife with harassment and hate speech. One recent survey found that 65 percent of players experience some form of severe harassment, including physical threats, stalking, and sustained harassment; 38 percent of women and 35 percent of LGBTQ+

[52] Rideout, V., and Robb, M. B. (2018). Social media, social life: Teens reveal their experiences. San Francisco, CA: Common Sense Media.

[53] Zuboff, Shoshana , The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power, p. 448, (January 15, 2019).

[54] Max Fisher & Amanda Taub, On YouTube's Digital Playground, an Open Gate for Pedophiles, New York Times, (June 3, 2019) .

[55] Radesky, J. S., Schaller, A., Yeo, S. L., Weeks, H. M., & Robb, M.B. (2020). Young kids and YouTube: How ads, toys, and games dominate viewing, 2020. San Francisco, CA: Common Sense Media.

[56] Burt Helm, Sex, lies, and video games: Inside Roblox's war on porn, Fast Company, (August 19, 2020).

players reported harassment on the basis of their gender and sexual orientation.[57] A study found 8 in 10 tweens and teens reported witnessing or experiencing bullying in 2020, and 9 in 10 witnessed violent subject matter.[58] A forthcoming report from Common Sense looks at how teens have turned to social media during the pandemic, and in many ways social media has been a lifeline for teens and young adults in managing their mental health. And yet it remains mired in hate speech and harmful content--for example, the percent of teens who see racist content has nearly doubled in the past two years.[59] This is especially concerning as hate speech exacerbates negative mental health outcomes - and it's already being targeted at vulnerable groups by race, gender, and sexual orientation.

C. The Commercialization of Childhood Online Is More Insidious Than in Traditional Media

Kids are also subject to a high level of commercialism online. The internet offers frictionless opportunities for endless consumption, be it of ads, content, in-app items, or physical goods. And traditional safeguards--like a parent shopping in a physical store with a child--are lacking.

Ads are pervasive. Recent Common Sense research looking at children's content on YouTube found advertising occurred in 95% of early childhood videos. Over one-third of videos in the early childhood category contained three or more ads, while 59% contained one to two ads. Ad design in these videos was often problematic, such as banner ads that blocked educational content, sidebar ads that could be confused for recommended videos, or ads for video games that showed doctored versions of popular characters, such as Peppa Pig.[60] Past research on advertising in children's apps has shown a high prevalence of manipulative or disruptive ad designs as well as adult-oriented ad content that is easily clickable by child users.[61] And apps encourage ad viewing, including by offering in-app rewards in exchange.[62]

In-app spending is also a big problem. Teen apps are highly monetized--a recent study highlights that teen apps are over three times more likely to support in-app purchases than general audience apps.[63] And even young and pre-literate children are directly encouraged to spend money within

---

[57] Free to Play? Hate, Harassment, and Positive Social Experiences in Online Games, Anti-Defamation League, (2020).

[58] Haley Zapa, Bark's Annual Report: 2020 Research on Teens and Tweens, (January 15, 2021).

[59] Rideout, V., Fox, S., Peebles, A., & Robb, M. B. (2021). Coping with COVID-19: How young people use digital media to manage their mental health.San Francisco, CA: Common Sense and Hopelab.

[60] Radesky, J. S., Schaller, A., Yeo, S. L., Weeks, H. M., & Robb, M.B. (2020). Young kids and YouTube: How ads, toys, and games dominate viewing, 2020. San Francisco, CA: Common Sense Media.

[61] Ibid

[62] Meyer M, Adkins V, Yuan N, Weeks HM, Chang YJ, Radesky J. Advertising in young children's apps: A content analysis. Journal of Developmental & Behavioral Pediatrics. 2019 Jan 1;40(1):32-9.

[63] Risky Business: A New Study Assessing Teen Privacy in Mobile Apps, BBB National Programs, (October 2020).

apps and games. Beloved cartoon characters berate preschool players for not spending money.[64] Educational games allow children to advance faster than their friends if they purchase subscriptions.[65] Often, the fact that a purchase involves actual money is not made clear to kids, who believe their activities have no "real world" consequences and do not realize they are spending their parents' money. And kids have spent hundreds and thousands of dollars, collectively totalling millions. Indeed, Google, Apple, and Amazon have all settled with the Federal Trade Commission over unfairly permitting minors to make in-app purchases when it was not clear a purchase was being made and when parents were not given a choice whether to allow the purchases.[66] Facebook documents show the company allowing children as young as five unwittingly spending their parents' money, and intentionally making it difficult for children and parents to get refunds.[67]

Children and teens have also taken to commercializing their peers, both inadvertently and very intentionally. On the unintentional side, children are often prompted to share their mobile game progress on social media and rate apps on app stores, [68] which is effective at commercializing friends. Similarly, teens may inadvertently become product ambassadors--as in Facebook's "sponsored stories" program-- and encouraged to submit photos and share products and content with friends, all of which is monitored and monetized.[69] Despite having to pay a $20 million settlement in a lawsuit about these[70], Facebook still allows for sponsored stories.[71] Additionally, "peers" intentionally push products via unboxing videos and influencer campaigns. Common Sense research has found that a third of children under age eight report sometimes or regularly watching unboxing videos -- essentially program-length advertisements -- on YouTube.[72] The nine-year old multi-million dollar star of many popular unboxing videos has faced consumer

---

[64] Marisa Meyer, Victoria Adkins , Nalingna Yuan , Heidi M Weeks , Yung-Ju Chang , Jenny Radesky, Advertising in Young Children's Apps: A Content Analysis, (January 2019).

[65] Alyson Klein, Popular Interactive Math Game Prodigy Is Target of Complaint to Federal Trade Commission, Education Week, (February 23, 2021).

[66] See ruling in *FTC v. Amazon*, 2016 Federal Court Finds Amazon Liable for Billing Parents for Children's Unauthorized In-App Charges., and *FTC v. Apple*, FTC Approves Final Order in Case About Apple Inc. Charging for Kids' In-App Purchases Without Parental Consent, and *FTC v. Google,* FTC Approves Final Order in Case About Google Billing for Kids' In-App Charges Without Parental Consent.

[67] Request for the Federal Trade Commission to Investigate Facebook In-App Purchases for Violating the Federal Trade Commission Act and the Children's Online Privacy Protection Act.

[68] Meyer M, Adkins V, Yuan N, et al. Advertising in Young Children's Apps: A Content Analysis. Journal of Developmental and Behavioral Pediatrics : JDBP. 2019 Jan;40(1):32-39. DOI: 10.1097/dbp.0000000000000622.

[69] Josh Constine, *Facebook Sponsored Story Ads To Appear In The Web News Feed In 2012*, TechCrunch, (December 20, 2011).; Brittany Darwell, *Understanding the difference between Facebook Sponsored Stories, Page Post Ads, Promoted Posts and Marketplace Ads, Ad Week*, (January 11, 2013).; *Generation Like*, PBS Frontline, (Feb. 18, 2014), ; *see also* Workgroup on Children's Online Privacy Protection, Report to the Maryland General Assembly on Children's Online Privacy*, 17 (Dec. 30, 2013).

[70] Brain Feldman, Facebook Reaches Settlement in Sponsored Stories Lawsuit, The Atlantic, (August 27, 2013).

[71] Facebook states in its terms of service that users give it permission to use their name or photo "next to or in connection with ads, offers, and other sponsored content that we display across our Products, without any compensation to [the user]."

[72] Common Sense Census: Media Use by Kids Age Zero to Eight, Common Sense Media, (October 19, 2017).

complaints over failures to disclose paid product placement.[73] He recently opened an online world within Roblox where children can make in-game purchases.[74] Host-selling is rampant online, and characters can hawk products in ways that would be prohibited on tv because of children's special relationships with the hosts. Teenagers look to influencers as peers with whom they have their own relationships.[75]

Online promotions cause real world harm. Sales in e-cigarettes amongst middle school and high school students increased drastically when U.S. tobacco companies began exploiting their online ads to children.[76] Children who saw the online ads were significantly more likely to use the products. And rules meant to limit what purchases young people can make are less effective than in physical retailers. Social media companies provide markets for teenagers to find illegal goods, like drugs.[77] Ineffective purchasing gates, such as simply stating in a Terms of Use that a user must be 18, have, for example, allowed children to purchase weapons from Amazon.[78]

D. Children and Teens Face a Toxic Online Environment

The internet and especially social media have changed the way kids view themselves and others. While social media can be a body positive place for teenagers[79], for some it can be detrimental, especially if they are prone to comparing themselves to images.[80] Almost half of girls say social media makes them feel they have to look or act a certain way.[81] According to Common Sense Media's body-image research, teens who are active online worry a lot about how they're perceived.[82] Tweens and young teens have reported pressure to create a "personal brand" and to "be perfect and compare myself to others all the time."[83] And teenagers measure self-worth and

---

[73] Tiffany Hsu, Popular YouTube Toy Review Channel Accused of Blurring Lines for Ads, New York Times, (September 4, 2019).

[74] Sahil Patel , 9-Year-Old YouTube Star Ryan Kaji Opens Virtual World on Roblox, Wall Street Journal, (December 4, 2020).

[75] Common Sense Comments to the Federal Trade Commission on Guides Concerning the Use of Endorsements and Testimonials in Advertising, (June 22, 2020).

[76] Lisa Rapaport, Teens Most Drawn to E Cigarettes by Online Ads, Reuters Health Report, (April 2016).

[77] Rachel Paula Abrahamson, Mom warns about drug dealers on Snapchat after son, 16, dies from overdose, Today Show, (February 8, 2021).

[78] The Parent's Accountability and Child Protection Act, A California 14 year old purchased a BB gun, throwing knives, and a hunting knife on Amazon without his parent's knowledge, (September 2018).

[79] Cohen, R., Fardouly, J., Newton-John, T., & Slater, A. (2019). #BoPo on Instagram: An experimental investigation of the effects of viewing body positive content on young women's mood and body image. New Media & Society, 21(7), 1546–1564. https://doi.org/10.1177/146144481982653

[80] Kleemans M, Daalmans S, Carbaat I, Anschütz D. Picture perfect: the direct effect of manipulated Instagram photos on body image in adolescent girls. Media Psychology. 2018;21(1):93–110.

[81] Reclaiming the Internet for Girls, Plan International UK, (2017).

[82] Common Sense Media, Children, Teens, Media, and Body Image, (January 20, 2015).

[83] Zuboff, Shoshana , The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power, p. 448, (January 15, 2019).

happiness in how many likes and comments their posts receive.[84] Many studies have shown a correlation between social media use and mental health issues, though causation still requires further research.

The pandemic has exacerbated concerns about mental health. As detailed in Common Sense's forthcoming report, depression continues to go up, especially among LGBTQ+ and teens and young adults who have had COVID-19 infections in their homes.[85] This is particularly concerning because research has shown social media has an outsize impact--both negatively and positively--on the severely depressed and those at risk for substance abuse. Among the severely depressed, our forthcoming work shows a high number of respondents report that social media made them feel more anxious, stressed, and depressed. Numbers for this vulnerable group are trending in the wrong direction.

III.   Building a Safe, Empowering, and Equitable Digital Future for Kids

Technology should be a force for equity and opportunity, for connection and creativity. As our CEO and Founder James P. Steyer has said, "we are at a pivotal moment in history, as technology collides with our democracy, our fundamental approach to education, and our mental, physical, and emotional health. Technology's original promise to foster connection has been lost, but it is not too late for us to right the ship." It is high time to right the ship. To do so, Congress must take a holistic view of the interconnected harms young people experience online and support a variety of related solutions that overall can improve the online landscape for kids both today and tomorrow. And technology leaders should do what they can immediately to improve their products.

Congress has long recognized children's special vulnerabilities--including in media and technology specifically--and provided additional protections for kids and families.[86] The Children's Television Act requires a certain amount of educational programming during hours children are likely to be watching, limits commercial time, and requires clear delineations between ads and other content. Congress has also provided for special protections for young children on the internet, with the Children's Online Privacy Protection Act, which sought to re-insert parents as gatekeepers of their children's lives and protect against unwanted contact from strangers and marketers--in an era when children were dialing up the internet on bulky desktops shared with the whole family. Now, the internet is always on, and always within reach in a pocket, atop a bedside stand, or on a kitchen counter. "Simply existing" can subject a child or

---

[84] Jessica Contrera , 13, right now: This is what it's like to grow up in the age of likes, lols and longing, Washington Post, (May 25, 2016).
[85] Rideout, V., Fox, S., Peebles, A., & Robb, M. B. (2021). Coping with COVID-19: How young people use digital media to manage their mental health.San Francisco, CA: Common Sense and Hopelab.
[86] Other areas are in prohibiting driving, the purchase of dangerous items, special contract protections, minimum-age requirements for work.

teen to surveillance and data collection,[87] simply pressing a few buttons or saying a few words can broadcast a child into countless homes, connect a child with someone on the other side of the world, enable a child to watch everything from live streams of other kids playing video games or, much more distressingly, of rapes or murders. There is incredible opportunity, for good and for bad.

A. Protect Families' and Kids' Privacy

First, Congress must act to better protect young people's privacy. This includes passing a comprehensive national privacy law, which will limit the impact of inadvertent gaps in child-specific laws, ensuring at least some coverage for children and teens on any site or service. That said, given children and teens' unique vulnerabilities, they need special protections--no behavioral ad targeting, data minimization by design and default--and, consistent with international precedent and more recent state laws like California's Consumer Privacy Act, those special protections should definitely include teens. Current federal law, COPPA, stops providing protections when a child turns 13, and has other limitations even with respect to children. Happily, there are already good models. The PRIVCY Act[88] would address many of COPPA's shortcomings: preventing sites from turning a blind eye to young people using their services, offering special protections to and empowering teens to make decisions for themselves, emphasizing the importance of age-appropriate controls and language, and providing bright line rules prohibiting certain particularly problematic practices like behavioral marketing to young children. It would also enable stronger enforcement, allowing parents to sue on behalf of their kids and enhancing the Federal Trade Commission's powers. Enhancing regulators' ability to enforce privacy violations in general is critical, and the Commission should have more resources.

Protecting privacy will go a long way in improving children's overall experiences--companies will be less able to microtarget kids with inappropriate content and advertisements, for example, or use what they have learned to further manipulate children to stay online longer or spend more money. But more is also needed--children's exposure to unhealthy content via social media and algorithmically-curated feeds should be limited, and companies should not be incentivized to push inappropriate ads and disturbing and even illegal content onto kids.

B. Holds Platforms Accountable In a Digital Age

Congress should pass a Children's Television Act for the internet age. Again, a model exists: the Kids Internet Design and Safety Act or KIDS Act.[89] It would limit kids' exposure to marketing

---

[87] Discussing the context of boilerplate language and the internet, Lauren Scholz notes that "Simply existing in the room with ordinary devices may subject individuals to having their movements and data governed by contract." Fiduciary Boilerplate, The Journal of Corporation Law, 2020. Vol 46. P. 157.

[88] H. 5703, PRIVCY ACT, (January 29, 2020).

[89] H. 8372, Kids Internet Design and Safety (KIDS) Act, (September 24 2020).

and commercialization by creating rules that limit how commercial content can be recommended to kids. It also requires platforms to provide families with better guidance on kid healthy content, label and identify healthy content, and supports no-cost and ad-free access to this material. The KIDS Act acknowledges the reality that how platforms and technologies are designed can be just as impactful as what data they collect and use.

We additionally need to control algorithmic amplification and UX/UI design that undermines users' choices and amplifies negative content. The bipartisan Deceptive Experiences To Online Users Reduction Act (DETOUR Act) in the Senate targets practices by large online platforms to use deceptive and manipulative design practices known as "dark patterns."[90] For large platforms like Facebook and YouTube, the DETOUR Act would curb design interfaces that create compulsive usage among children under the age of 13 years old. It also encourages the creation of professional standards bodies to provide guidance on design practices that undermine user autonomy, places limits on online behavioral and psychological experiments,[91] and promotes the development of independent review boards.[92] In addition, we must hold platforms accountable for their promises to address misinformation, harassment, and harmful content, including via educated, meaningful enforcement and exploring instances where platform intermediaries should be liable for the content they actively host and what changes are needed to current rules like Section 230.

We strongly recommend that Congress advance legislation that holds technology companies accountable. We also believe there is much that industry could do right now to improve children's experiences---and indeed many of our advocacy efforts include convincing companies that it is in everyone's interests for them to improve. Companies can act immediately to limit information collection from children and teens, design healthier products, and promote quality content for kids. Later this month, the full Committee will hear from social media CEOs on misinformation and disinformation. That is an excellent opportunity to ask them to do the right thing by kids, regardless of limitations in current laws, and on behalf of American families we hope you will take full advantage of that opportunity.

V. Conclusion

Thank you again for your commitment to understanding the issues children face online during the pandemic. Currently, technology is failing young people. While it is important to recognize the enormous benefits that technology and media have offered to all of us during this time especially--truly a lifeline--kids deserve better. Children and teens deserve to be able to chat with

[90] S.1084, Deceptive Experiences To Online Users Reduction (DETOUR) Act, (April 9, 2019).
[91] Evan Selinger and Woodrow Hartzog, Facebook's emotional contagion study and the ethical problem of co-opted identity in mediated environments where users lack control, Research Review at Facebook, (May 13, 2015).
[92] Ryan Calo, Consumer Subject Review Boards, (2013).

their friends without the conversation and location being recorded, to enjoy a game without being shamed for not purchasing an in-app item, and to watch their favorite cartoons without fear of violence. They also deserve a digital environment not tailor-made to appeal to many of their insecurities. The digital world provides limitless opportunities, and Congress should do all that it can to enable young people to fully take advantage of what technology has to offer while recognizing their still evolving capacities.