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BEUC files complaint against TikTok for multiple EU consumer law breaches

The European Consumer Organisation BEUC has today filed a complaint with the European Commission and the network of consumer protection authorities against TikTok, a video sharing platform extremely popular with children and teenagers [1]. In addition to BEUC's complaint, consumer organisations in 15 countries have alerted their authorities and urged them to investigate the social media giant's conduct [2].

Based on the findings of new research [3], BEUC contends that TikTok falls foul of multiple breaches of EU consumer rights and fails to protect children from hidden advertising and inappropriate content:

- **Several terms in TikTok's 'Terms of Service' are unfair:** They are unclear, ambiguous and favour TikTok to the detriment of its users. Its copyright terms are equally unfair as they give TikTok an irrevocable right to use, distribute and reproduce the videos published by users, without remuneration.
- One popular feature of TikTok is that users can purchase coins which they use for virtual gifts for TikTok celebrities whose performance they like. **TikTok's 'Virtual Item Policy'** which manages this feature **contains unfair terms and misleading practices**. TikTok claims for instance an absolute right to modify the exchange rate between the coins and the gifts, potentially skewing the financial transaction in its own favour.
- **TikTok fails to protect children and teenagers from hidden advertising and potentially harmful content on its platform.** TikTok's marketing offers to companies who want to advertise on the app contributes to the proliferation of hidden marketing. Users are for instance triggered to participate in branded hashtag challenges where they are encouraged to create content of specific products. As popular influencers are often the starting point of such challenges the commercial intent is usually masked for users. TikTok is also potentially failing to conduct due diligence when it comes to protecting children from inappropriate content such as videos showing suggestive content which are just a few scrolls away.
- **TikTok's practices for the processing of users' personal data are misleading.** TikTok does not clearly inform its users, especially in a way comprehensible to children and teenagers, about what personal data is collected, for what purpose and for what legal reason. This information is, however, essential for consumers when using Tik Tok's services. We consider that some of these, as well as other [4], practices are in breach of the General Data Protection Regulation and have brought them to the attention of Data Protection Authorities in the context of their ongoing investigations into the company.

Authorities should act

With this action BEUC and its members want authorities to launch a comprehensive investigation into Tik Tok's policies and practices and to ensure that TikTok respects EU consumer rights. The company should properly inform consumers about its business model

and data processing activities and stop imposing unfair terms and practices on its users. TikTok should also stop keeping its users in the dark about the financial consequences of buying virtual gifts for their favourite idols and improve the fairness of this service. In particular children and teenagers, who form an important part of Tik Tok's audience must be adequately protected regarding their exposure to marketing, hidden advertising and inappropriate content.

Monique Goyens, Director General of The European Consumer Organisation (BEUC), said:

"In just a few years, TikTok has become one of the most popular social media apps with millions of users across Europe. But TikTok is letting its users down by breaching their rights on a massive scale. We have discovered a whole series of consumer rights infringements and therefore filed a complaint against TikTok.

"Children love TikTok but the company fails to keep them protected. We do not want our youngest ones to be exposed to pervasive hidden advertising and unknowingly turned into billboards when they are just trying to have fun.

"Together with our members – consumer groups from across Europe – we urge authorities to take swift action. They must act now to make sure TikTok is a place where consumers, especially children, can enjoy themselves without being deprived of their rights."

ENDS

Notes:

[1] BEUC is a designated body to file complaints under the Consumer Protection Cooperation Regulation and can file so-called external alerts in case of EU-wide infringements against consumer law.

[2] Test Achats/Test Ankoop (Belgium), Kypriakos Syndesmos Katanaloton/CCA (Cyprus), dTEST (Czech Republic), Forbrugerrådet Tænk (Denmark), UFC Que Choisir (France), vzbv (Germany)*, EKPIZO (Greece), Altroconsumo (Italy), Consumatori Italiani per l'Europa/CIE (Italy), Consumentenbond (The Netherlands), Forbrukerradet (Norway), Spoločnosť ochrany spotrebiteľov (S.O.S.) Poprad (Slovakia), Zveza Potrošnikov Slovenije/ZPS (Slovenia), Sveriges Konsumenter (Sweden), ASUFIN (Spain), Organización de Consumidores y Usuarios/OCU (Spain) and Fédération Romande des consommateurs/FRC (Switzerland).
*vzbv from Germany sent a legal warning to TikTok instead of contacting the German authorities.

[3] [Report](#): TikTok without filters

[4] [Report](#): Confusing by design - A data protection law analysis of TikTok's privacy policy

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