

Subject: BEUC submitted an alert to consumer protection authorities about TikTok with relevance for ERGA.

Dear Chairman of the European Regulators Group for Audiovisual Media Services,

Dear members,

I am writing to you on behalf of BEUC, The European Consumer Organisation, to inform you that today BEUC submitted an external alert to the Consumer Protection Cooperation network ("CPC-Network") according to Article 27 of the Consumer Protection Cooperation Regulation, to report on several unfair practices and contract terms by the social media platform TikTok.

Since TikTok falls under the category of "video-sharing platform" ("VSP")¹ in the revised Audiovisual Media Services Directive ("AVMSD"), we would like to bring to your attention some of the findings of our investigation, which are further detailed in the report *TikTok without Filters* attached to this letter.

TikTok has become one of the most popular social media networks with millions of users across Europe, a very significant part of which are children and teenagers. **BEUC and our member organisations are very concerned that TikTok is potentially failing to provide the necessary measures to diligently protect its youngest users.** This is because:

- **TikTok potentially fails to prevent young users' exposure to harmful content.** While in its Community Guidelines, TikTok claims that they "strive to create a platform that feels welcoming and safe" and that they "do not allow nudity, pornography, or sexually explicit content on our platform"², there is evidence that TikTok algorithm exposes children and teenagers to potentially harmful content, including sexually-explicit or sexualised content. Therefore, measures according to Article 28b a) of the AVMSD are lacking.
- **TikTok, in our view, does not take sufficient measures to prevent the proliferation of hidden advertising on its platform.** Recently, the Catalan Audiovisual Council (*Consell de l'Audiovisual de Catalunya - CAC*) for example found out that 93% of content published by eight influencers who have over a million followers contained hidden adverts for fast food, sugary drinks, beauty products, clothing, and video games.³

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¹ As also highlighted by several ERGA members (https://erga-online.eu/wp-content/uploads/2019/08/2019-04-09_Minutes-SG3-TF2-1-6.pdf).

² www.tiktok.com/community-guidelines?lang=en#30 (accessed in January 2021).

³ Consell de l'Audiovisual de Catalunya, 'CAC reports TikTok videos with 30 million views for hidden advertising', 18 September 2020 (www.cac.cat/en/actualitat/cac-reports-tiktok-videos-30-million-views-hidden-advertising last accessed in February 2021).

In most cases, these videos did not display sponsored or advertised content in a way that would enable consumers to see and understand that they are dealing with advertising materials. Yet under Article 28b) 2) of the AVMSD, commercial messages should be easily identifiable. In September 2020, the CAC notified TikTok that these practices were in breach of the revised AVMSD.⁴

- **Finally, TikTok seems to contribute to undue exposure of children to advertising.** TikTok has gamified advertising by proposing to businesses advert formats such as "hashtag challenges" and other branded filters, which are particularly appealing to young users. In doing so, TikTok contributes to transform young users into advertising billboards without them being necessarily aware and tends to exhort minors to buy products by exploiting their credulity, as addressed in Article 28 b) 2) of the AVMSD.

Since according to its Work Programme for 2021, ERGA intends to ensure the consistent implementation and enforcement of the new AVMSD framework, and in particular to address the new obligations for VSPs,⁵ we hope that these findings will be useful to your ongoing work and that you will share them with your network of authorities and take action where relevant.

Please do not hesitate to contact us in case of any further questions.

Yours sincerely,

Ursula Pachl
Deputy Director General

Attachment: TikTok Without Filters (BEUC, 2021).

C/c: Ms Anna Herold, Head of Unit, Audiovisual and Media Services Policy, DG CONNECT.

⁴www.cac.cat/en/actualitat/cac-reports-tiktok-videos-30-million-views-hidden-advertising.

⁵ https://erga-online.eu/wp-content/uploads/2020/08/ERGA_WorkProgramme2021.pdf