

ALERTER

Stop scrolling: First social media addiction trial concludes in US

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On 25 March 2026, a jury in Los Angeles handed down their verdict in *P. F., et al. (K.G.M.) v. Meta Platforms, Inc., et al.*, Case No. 22STCV33140 (Cal. Super. Ct. Mar. 25, 2026). This was a bellwether trial (i.e. a test case) within the *Social Media Cases*, JCCP No. 5255, which consolidates over 1,600 similar cases in California state courts.¹ This short article examines the potential impact of this judgment in England and Wales.

THE META AND YOUTUBE JUDGMENT

The trial, held in Los Angeles, involved a young woman who alleged that platforms deliberately engineered addictive features that damaged her mental health as a child. It was said that companies had engineered their sites to make their users engage compulsively using techniques such as infinite scrolling, algorithmic recommendations, and automatic video play. It was alleged that these caused her to suffer from anxiety, body dysmorphia, and depression.

Meta and YouTube defended the claims to trial. In particular, they pointed to features intended to minimise potential harms, and alleged that K.G.M.'s mental health problems were attributable to a turbulent childhood. The Claimants focused on certain aspects of how the platforms operated and sought to rely on expert evidence from inter alia a psychiatrist specialising in adolescent addiction and the role of dopamine-driven reward pathways and behavioural addiction mechanisms.

The jury ultimately ruled in favour of the plaintiff, assessing compensatory damages at \$3 million, with punitive damages adding a further \$3 million. Meta was found to be more responsible for harm to KGM, with a 70/30 split. An appeal is anticipated.

Because this was a jury trial, there was no judgment as such, but rather a 'tick box' form on which the jury answered questions in the affirmative including "Was Meta negligent in the design or operation of Instagram?"; "Did Meta Know or should it reasonably have known that the design or operation of Instagram was dangerous or was likely to be dangerous when used by a minor in a reasonably foreseeable manner?"; "Did Meta fail to adequately warn of the danger?"; "Would a reasonable platform designer or operator under the same or similar circumstances have warned of the danger or instructed on the safe use of the platform?".

THE LEGAL CONTEXT IN THE US

Despite the absence of a judgment, we do have insight into the legal landscape that preceded it. Notably, the

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Defendants' attempts to obtain summary judgment were dismissed by the [decision of Judge Kuhl on 5 November 2025](#), after which Bytedance (TikTok) and Snap (Snapchat) settled before trial. Arguments rejected by Judge Kuhl included reliance on Section 230 of the Communications Act, as enacted through the Telecommunications Act of 1996. Section 230 provides that “*No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider*”. Traditionally, such claims had been considered precluded in the US by Section 230, which shields technology companies from liability for content posted by users. In the K.G.M. litigation, the plaintiffs successfully bypassed this by arguing that the harm arises not from third-party content but from the platforms' own engineering and design decisions, i.e. the “*informational architecture*”. This allowed negligence-based products claims to be brought. In this particular piece of US litigation, strict liability products claims were not allowed to proceed. However, US caselaw on the status of software as a product is mixed, and some social media addiction claims are proceeding elsewhere in the US with strict liability elements still live.

WHAT DOES THIS MEAN FOR ENGLAND AND WALES?

Similar issues are on the radar in our own jurisdiction. The Law Commission of England and Wales has recently commenced a [project](#) on the reform of product liability laws, which is widely anticipated to consider whether or not the definition of “product” for the purpose of the Consumer Protection Act 1987 should be explicitly extended to cover pure software.

Moreover, in March 2026, the UK Government opened a [consultation](#) on social media use among children, which will include looking at the desirability of restricting design features that encourage excessive use, such as infinite scrolling and autoplay.

Indeed, some entities and individuals have called for a full social media ban for under-16s like those already implemented in other jurisdictions such as Australia. A few days ago, the House of Lords voted 266 to 141 in favour of Conservative former minister Lord Nash's amendment to the Children's Wellbeing and Schools Bill. MPs will be given the opportunity to vote on the amendment when it returns to the Commons. That said, the direction of travel in this respect is not clear-cut. Several charities, including the NSPCC, have [said a full ban on social media](#) for under-16s risks “*unintended consequences*” given that it “*would create a false sense of safety that would see children - but also the threats to them - migrate to other areas online.*”

As you scroll through this article the question you are probably asking is could we see similar litigation in this jurisdiction? It is certainly more likely than it was, given that UK claims often draw inspiration from the success of US litigation that is initially considered novel. Moreover, the discovery (disclosure in England and Wales) in the US trial regarding what tech companies knew about their designs could be used to support claims here. Given that the claim here would most likely be framed as one for personal injury, claimants here would likely to benefit from QOCS costs protection.²

On the other hand, personal injury awards in this jurisdiction are much lower than in the US, making such claims less attractive. This is particularly important given that such claims would be highly technical on both a software and medical front, making them expensive to bring. In reality, for many such claims the only way to make them economic would be to bring it as a mass tort. This is how it was brought in the US, with “*Master Complaints*” (analogous to this jurisdiction's Generic Particulars of Claim) and “*Individual Short Form Complaints*” (analogous to our Schedules of Claimant Information). The legal landscape for group litigation in this jurisdiction is well developed, but aspiring personal injury claimants would need to persuade the Courts that the various claims did not merely share a similar fact pattern but

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gave rise to sufficient “common or related issues of fact or law” (CPR 19.21). There is no legal shortcut to liability – the Consumer Protection Act 1987, as it stands, is highly unlikely to apply to pure software, and the Online Safety Act 2023 does not give rise to a private right of action for individuals. Unlike US jury trials, civil cases in England are heard by a judge, meaning that expert evidence and arguments over whether negligence is made out on the specific facts would likely be more rigorously tested.

ENDNOTES

¹ A similar raft of social media addiction cases have been consolidated at Federal level in the Multi-District Litigation (MDL) in the United States District Court for the Northern District of California. This is technically distinct from the state level Joint Council Coordination Proceeding (JCCP) in the Superior Court of California. However, many of the lead attorneys play roles in both pieces of litigation. The MDL litigation is slightly behind procedurally, with bellwether trials yet to commence. Note that both the JCCP and MDL litigation are ‘mass torts’ being coordinated by the Courts, not opt-out class actions.

² Qualified One Way Costs Shifting.

ABOUT THE AUTHORS



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Tim Green KC has for many years been recognised by the legal directories as an exceptional advocate and highly trusted advisor practising in all areas of product liability and crisis management work.

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Lucy is a commercial barrister with a particular emphasis on product liability and related areas. A substantial part of Lucy's practice concerns group actions or other multi-party litigation. Lucy is particularly well known for her expertise in matters with a technology element, and contributed to *The Law of Artificial Intelligence* (Sweet & Maxwell 2021 & 2024) and *The Law and Autonomous Vehicles* (Routledge 2019).

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Douglas has a busy practice in group litigation, commercial litigation, product liability, property law, environmental law, and public law. He has experience working on nuisance claims and large environmental group actions, including pre-action matters and issues relating to causation, limitation, and jurisdiction. Before being called to the Bar as a Lord Astbury Scholar, Douglas was awarded a PhD from the University of Cambridge. He has published multiple articles in journals such as *Public Law* and the *Journal of Planning and Environmental Law* on environmental law and related issues.

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