

AMENDED Exhibit 372

PLAINTIFFS' OMNIBUS OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT

Case No.: 4:22-md-03047-YGR

MDL No. 3047

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

Message

From: [REDACTED] Privileged [/O=THEFACEBOOK/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[REDACTED] Privileged
Sent: 8/6/2020 3:33:13 AM
To: Rodgers, Rachel [R.Rodgers@northeastern.edu]
CC: Vaishnavi J [REDACTED] Privileged@fb.com]; [REDACTED] Privileged@fb.com]
Subject: Re: Facebook outreach for expert opinion
Attachments: image001.png; image002.png; image003.png; image004.jpg

hi Rachel,

I hope you're doing well.

I'm writing to follow up on our conversation about AR cosmetic surgery effects on Instagram (and CC'ing my colleagues [REDACTED], with whom you spoke last year, and Vaishnavi J, who just joined our team last half to work on safety policy issues for Instagram). Your insights were so very helpful to us in considering a thoughtful policy approach to this challenging topic. Thank you once again for taking the time to speak with us. I wanted to circle back and let you know where we landed and how expert input like yours helped us reach this result.

You may recall that last year we temporarily removed some face altering AR effects from Instagram, following questions raised about the potential impact of these effects on mental health. Removing these effects was an interim measure that provided us time to reach out and collect a range of perspectives from creators, users, and experts in psychology, research, body image activism, and augmented reality.

Now, we'll once again allow people to create and share face-altering effects on Instagram, however we will not allow these effects to be discovered or promoted in our Effects Gallery (which is how many people find effects). We will continue to uphold our ban on effects that directly promote or encourage potentially dangerous cosmetic surgery procedures - for example, effects that offer the sale of these procedures, effects that depict cosmetic procedures through surgery lines, or effects that offer instructions for such procedures.

As we dug into this issue, we found that creators of these effects predominantly used face alteration and feature augmentation to create artistic, surreal, and fantasy effects. Surrealistic and fantastical effects were seen by experts as of much less concern than hyper-realistic face alteration, though many of the experts we consulted shared the sentiment that drawing a firm line between the realistic and the unrealistic is quite hard to do. Research we consulted also indicated that face filters can allow people to express themselves in a greater range of ways - particularly to subvert typical gender norms - and to have greater agency around how they share parts of their identities on social media. This is validated by the fact that many users told us they enjoyed both creating and using face altering effects, and were unhappy with our interim decision to remove them entirely.

This is still an evolving space with limited longitudinal research available on the impact of face altering effects, and we're committed to understanding it better. We welcome further opportunities to collaborate and learn more about this space from experts like you. Thank you again for making time to speak with us and please let us know if you have any questions.

regards,

[REDACTED] Privileged

From: Rodgers, Rachel <R.Rodgers@northeastern.edu>
Sent: Friday, November 1, 2019 6:19 PM
To: [REDACTED] **Privileged**@fb.com>; [REDACTED] **Privileged**@fb.com>
Subject: Re: Facebook outreach for expert opinion

Dear [REDACTED]

My pleasure! I like the idea of thinking about whether the shape change is related to the overall effect, although it might leave things open to interpretation?

Ah yes, I can see the tension between the superimposition and the facial modifications. Maybe the policy could be related to changes whether or not there are other elements, and only apply to changes that are within the spectrum of human features?

I can see this is all very tricky.

I look forward to hearing about the decisions that you make, and feel free if there is anything else you would like to bounce off me. I am enjoying thinking about all this!

Best wishes,
Rachel

From: [REDACTED] **Privileged**@fb.com>
Sent: Friday, November 1, 2019 6:26 PM
To: Rodgers, Rachel <R.Rodgers@northeastern.edu>; [REDACTED] **Privileged**@fb.com>
Subject: Re: Facebook outreach for expert opinion

Hi Rachel,

Thanks for such quick and thoughtful feedback. "Shape and weight" is an interesting framing to consider here. Change to shape in particular seems like an element that can be easily assessed. It has me wondering if there is a way to base a distinction on whether shape changes are integral to the overall filter – for instance, the enlarged lips in the devil filter don't seem to have any relevance to typical depictions of a devil, whereas the enlarged eyes in the cat filter do seem to be integral to the overall depiction.

We are looking to make a distinction between superimposed features and those that actually change one's facial features, though in doing so we also want to ensure the inclusion of a superimposed feature doesn't alone suggest a filter should be allowed, lest we have these features added as a way of gaming the policy. Identifying at what point superimposed features alongside changes to face shape and size amount to an allowable character transformation is the tricky part.

We'll ruminate on these concepts further and let you know where we land.

Thanks again!

[REDACTED]

From: "Rodgers, Rachel" <R.Rodgers@northeastern.edu>
Date: Friday, November 1, 2019 at 3:40 AM
To: [REDACTED] **Privileged**@fb.com>; [REDACTED] **Privileged**@fb.com>
Subject: Re: Facebook outreach for expert opinion

Dear [REDACTED] Privileged

Nice to hear from you, and this is such an interesting question! I am also quite fascinated to see the example filters that you included. The alterations seem so extensive, and so clearly aligned with appearance ideals.

I don't know how helpful this is, but one thing that comes to mind is that in other areas, such as advertising, policies around digital modifications have been phrased to be specific to alterations of "shape and weight." I wonder if here you might envision something similar in that policies could be related to changes to the "shape" of the face of features (since those are the ones that require more than makeup), and differentiate from changes that superimpose something upon a feature (I'm thinking of the cat nose in that last image for example, this is not so much a change in the person's nose, but rather the addition of a dramatic effect).

There may be counter-examples of course where that wouldn't be so clear-cut... I wonder if it could also be helpful to have additional detail about how a change to shape is considered to encompass things that found in the full range of human appearances, but not things that clearly are an artefact? (or a better word?)

I'm not sure if this fully answers your question?

I would be very happy to talk it through more if useful. (Late afternoon PST is probably best at the moment given our time difference.)

Best wishes,
Rachel

From: [REDACTED] Privileged@fb.com>

Sent: Thursday, October 31, 2019 2:32 PM

To: Rodgers, Rachel <R.Rodgers@northeastern.edu>; [REDACTED] Privileged@fb.com>

Subject: Re: Facebook outreach for expert opinion

Hi Rachel,

Thank you again for your time and thoughts last week. We're continuing to have conversations on this topic and consult further research, which lends greater clarity into the potential impact of these kinds of augmented reality filters.

I have a follow on question I'd love your take on, if you have the time (truly understandable if not!). As we've continued to consult external experts, one sentiment we've continued to hear is that fantastical and theatrical filters should be welcomed. We'd like to draw a clear line between AR filters that manipulate one's face in a theatrical manner, and those filters that do so for simply beauty effect. In drawing a coherent distinction, we also want to ensure that any policy we put in place cannot be gamed by, say, the addition of a simple flower crown, kitten ears, or the like to a filter. We have a need to create policies that are as clear as possible, for our teams enforcing policies, for those who use our platforms, and for those creating these AR filters. How would you recommend we approach this? I've included a few examples of filters below – which may or may not be helpful – as we find the examples helpful in thinking through how policy lines would work in practice.

I know this is a tricky question – it's one we are grappling with, certainly. We'd welcome any thoughts you might have, and I'm happy to hop on a quick call if preferable.

Thanks so much,

Privileged







