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L'applicazione del Codice del Consumo nei confronti dei Social Networks

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PS12543 – Tik Tok/French Scar

PS12543 - ITALIAN COMPETITION AUTHORITY: TIKTOK SANCTIONED FOR AN UNFAIR COMMERCIAL PRACTICE

PRESS RELEASE



The company has failed to implement appropriate mechanisms to monitor content published on the platform, particularly those that may threaten the safety of minors and vulnerable individuals. Moreover, this content is systematically re-proposed to users as a result of their algorithmic profiling, stimulating an ever-increasing use of the social network.

The Italian Competition Authority has imposed a fine of EUR 10 million jointly and severally on three companies of the Bytedance Ltd group, namely the Irish TikTok Technology Limited, the British TikTok Information Technologies UK Limited and the Italian TikTok Italy Srl.

The investigation has allowed to ascertain the responsibility of TikTok in the dissemination of content - such as those related to the "French scar" challenge - likely to threaten the psycho-physical safety of users, especially if minor and vulnerable. Moreover,

TikTok has not taken adequate measures to prevent the dissemination of such content, not fully complying with the Guidelines it has adopted and which it has made known to consumers by reassuring them that the platform is a 'safe' space. In fact, the Guidelines are applied without adequately accounting for the specific vulnerability of adolescents, characterised by peculiar cognitive mechanisms from which derive, for instance, the difficulty in distinguishing reality from fiction and the tendency to emulate group behaviour.

Finally, the content - although potentially dangerous - is disseminated through a 'recommendation system' based on algorithmic user profiling, which constantly selects which videos to target to each user in the 'For You' and 'Followed' sections, with the aim of increasing user interactions and time spent on the platform so to boost advertising revenue. This causes undue conditioning of users who are stimulated to increasingly use the platform.

Rome, 14 March 2024

PS12543 – Tik Tok/French Scar

- absence of appropriate mechanisms to monitor third parties' content in violation of art. 20 (2 and 3) ICC (professional diligence)
- failure to enforce TikTok's own guidelines, not removing dangerous content in violation of article 21(2)(b) ICC (code of conduct)
- unremoved dangerous content was primarily targeting kids and teens in violation of article 21(4) ICC
- impairing vulnerable consumers' ability to make proper commercial decisions by targeting them with personalised content capable of exploiting their weaknesses in violation of article 25(1)(c) ICC (aggressive practice)

PS12566 – Instagram and Facebook account issues

PS12566 - ITALIAN COMPETITION AUTHORITY: A SANCTION OF EUR 3.5 MILLION TO META FOR UNFAIR COMMERCIAL PRACTICES

PRESS RELEASE



In the registration process to Instagram, users were not given clear information about the collection and use of their data for commercial purposes. In addition, when Facebook and Instagram accounts were suspended, no useful communication was provided for possible complaints.

The Italian Competition Authority has fined Meta Platforms Ireland Ltd. and its parent company Meta Platforms Inc. EUR 3.5 million for two unfair commercial practices regarding the creation and management of Facebook and Instagram social network accounts.

The Authority found that Meta failed, in breach of Articles 20, 21 and 22 of the Consumer Code, to immediately inform users registered to Instagram via the web of the use of their personal data for commercial purposes.

In addition, the Authority ascertained that Meta did not accurately manage the suspension of Facebook and Instagram users' accounts, in breach of Article 20 of the Consumer Code. In particular, Meta did not indicate how it decided to suspend Facebook accounts (whether as a result of an automated or 'human' review) and did not provide Facebook and Instagram users with information on the possibility of contesting the suspension of their accounts (they could turn to an out-of-court dispute resolution body or a judge). Finally, it set a short deadline (30 days) for consumers to challenge the suspension.

These two practices were ceased by Meta in the course of the proceedings.

Rome, 5 June 2024

PS12566 – Instagram and Facebook account issues

- Practice 1 - on **IG** META did not inform its web users about the collection and exploitation of their personal data for commercial purposes - (EUR) 3M fine
- Practice 2 – both on **IG** and **FB** META did not provide:
 1. prior adequate notice and reasons when disabling its users' account
 2. adequate and effective assistance to recover blocked accounts (e.g., hacked accounts)- (EUR) 0.5M fine

PS 12658 Meta Deepfake

- Insufficient control on commercial advertisings using deepfakes circulating on the platforms Facebook and Instagram, in violation of Art. 20 - [professional diligence]
- Failure to comply with META's own Guidelines, in violation of Art. 21(2)(b) - [code of conduct]

PS 12653 Meta/ Asia Valente

PS12653 - ITALIAN COMPETITION AUTHORITY: INVESTIGATION INITIATED AGAINST META-INSTAGRAM AND THE INFLUENCER ASIA VALENTE

According to the Authority, Meta did not adopt adequate initiatives to deal with the conduct of Asia Valente, who would sponsor products, especially tourist facilities, by concealing the commercial purpose of this activity and boasting a considerable popularity based mostly on fake followers.

The Italian Competition Authority has initiated investigation proceedings against Meta-Instagram and the influencer Asia Valente. Specifically, Meta - contrary to the professional diligence of social media platforms and to its own policies on conduct - allegedly failed to adopt appropriate measures to prevent the publication of potentially misleading messages on Instagram.

Indeed, Asia Valente would publish photos and videos, on social media, of restaurants, spas, hotels and other tourist facilities with which she would have had a business relationship, without using any wording highlighting the promotional nature of this content. Furthermore, the influencer would boast considerable popularity based on a substantial number of followers, around 2 million, most of whom would not seem to be authentic.

Additionally, Meta-Instagram would not provide adequate information on the existence and methods of use of the tool to mark branded content nor would it control the actual and correct use of such a tool, especially in relation to promotional content published by extremely popular users, such as influencers. Finally, the company would not carry out checks on the authenticity of interactions on its platform in order to avoid the artificial collection of "likes" and followers.

Rome, 17 November 2023

- Fitness Check on Digital Fairness 10/2024
- A comprehensive Eu toolbox for safe and sustainable e-commerce 2/2025
- Art. 91 DSA
- European Board for Digital Services (Art. 61 DSA) - WG5
- TEMU
- SHEIN
- META Pay or consent model
- PS12714 Google/ Richiesta per collegamento servizi

Grazie dell'attenzione

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