The “Big” Blueprint: An Analysis of Tobacco Regulation as a Framework for Technology Regulation.

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Abstract

In October 2023, 42 attorneys general filed lawsuits against Meta, alleging that its platforms are addictive and harmful to youth. These suits echo legal strategies used against Big Tobacco in the 1990s, particularly the Master Settlement Agreement and subsequent regulatory reforms. This paper examines the viability of applying tobacco regulation as a blueprint for regulating Big Tech, especially in light of mounting concerns about digital addiction and youth vulnerability. Through a comparative analysis of tobacco and social media industries, it identifies key parallels: both target young users, downplay known harms, and engineer user dependence. However, the paper also highlights critical differences—social media is not inherently carcinogenic and offers meaningful societal benefits, complicating direct regulatory transfer. Drawing on emerging literature on digital addiction, platform design, and public health risk, the paper evaluates whether elements of tobacco control—such as warning labels, youth advertising restrictions, and public education—can be adapted for the tech sector. It concludes that while tobacco regulation provides a powerful legal and rhetorical model, effective oversight of social technology requires a new regulatory infrastructure tailored to its unique risks. The “Big” blueprint should inspire, not constrain, the future of digital platform governance.

Introduction

In October 2023, 42 attorneys general filed lawsuits against Meta, the parent company of Facebook and Instagram, alleging that its platforms are addictive and pose significant dangers to children’s development. This legal action mirrors a landmark moment in American legal history: in 1998, 52 U.S. state and territory attorneys general signed the Master Settlement Agreement (MSA) with more than 45 tobacco companies. That agreement recovered billions of dollars in healthcare costs related to tobacco use and led to regulations that contributed to a nearly 50% decline in U.S. cigarette consumption between 1998 and 2019 (National Association of Attorneys General, n.d.). The similarities between these lawsuits are striking. The current case against Meta appears to intentionally echo the successful legal strategy employed to regulate the tobacco industry decades earlier. The motivation for this approach is evident. According to the Center for American Progress, online platforms have engaged in harmful practices affecting consumers, small businesses, and markets. These include widespread fraud, monopolistic behavior, flawed algorithms, biased technologies, cybersecurity risks, labor exploitation, stifled innovation, and the spread of online

radicalization and misinformation (Simpson & Conner, 2021).

Scholars have proposed a variety of approaches to regulating the technology sector. Some advocate for the Federal Trade Commission (FTC) to oversee Big Tech through an antitrust framework (Citron & Pasquale, 2014), while others recommend creating new regulatory bodies tailored to the specific risks posed by artificial intelligence (Dignam, 2020). This paper evaluates the legal and regulatory strategy implied by the Meta lawsuit—one that draws inspiration from tobacco regulation—and critically analyzes its viability. Through a comparison of the lawsuits' content, the health concerns raised by the products, the marketing and enterprise strategies used by each industry, and the inherent differences between tobacco and social technology, I argue that although tobacco regulation offers a useful historical model, it cannot be directly applied to Big Tech. Rather, it should serve as a blueprint for innovative and comprehensive regulation that addresses the multifaceted harms of social technology.

Background

Review of the Case Against Meta and the Case Against Tobacco Manufacturers

In 1999, the U.S. Department of Justice sued several major cigarette manufacturers for violating the Racketeer Influenced and Corrupt Organizations Act (RICO). In 2006, a federal court issued a 1,683-page judgment, which stated that "from the 1950s to the present, different defendants, at different times and using different methods, have intentionally marketed to young people under the age of twenty-one in order to recruit 'replacement smokers' to ensure the economic future of the tobacco industry" (Dresp-Langley, 2020). The judgment cited a 1994 Surgeon General's report, noting that pervasive tobacco promotion had two major effects: creating the false perception that more people smoked than actually did, and reinforcing an ideal self-image through smoking—"in other words, smoking is made to look cool."

The 2023 lawsuit against Meta echoes these concerns. It argues that ephemeral content, such as disappearing stories and messages, is designed to trigger fear of missing out (FOMO), encouraging young users to repeatedly open Meta's platforms to avoid missing new content (*New Mexico v. Meta Platforms, Inc.*, 2024). The striking parallels between the lawsuits, particularly the allegation that both tobacco and social media use are driven by manufactured psychosocial pressures to conform, suggest a deliberate strategy by current attorneys general to model their case after the earlier tobacco litigation. The tobacco ruling observed that advertisements portrayed smoking as "a desirable, socially approved, safe and healthful" activity. Similarly, attorneys general claim that Meta "deceptively represented that the [platform] features were not manipulative," and that its platforms were designed to ensure safe experiences for youth while internally acknowledging the risks (*United States v. Philip Morris U.S. Inc*., 2023; *New Mexico v. Meta Platforms, Inc.*, 2024).

Both lawsuits allege that the companies publicly denied harm while privately acknowledging the risks. In both cases, youth are framed as the most vulnerable group and the main targets of the companies' strategies. The central allegation is that these youth were purposefully manipulated to become lifelong consumers. The 2006 tobacco ruling argued that youth were targeted to ensure long-term revenue. It stated: "Defendants must bring in new smokers to replace those leaving the market…. The renewal of the market stems almost entirely from 18-year-old smokers. No more than 5% of smokers start after age 24" (*United States v. Philip Morris U.S. Inc.*, 2023). Although Meta's dominance is more recent, the lawsuit makes a similar claim, alleging that Meta's business model relies on maximizing the time young users spend on its platforms because this directly translates into ad revenue (*New Mexico v. Meta Platforms, Inc*., 2024). As the suit explains, "Meta and its advertisers want to attract young people because they are more likely to: (1) be influenced by advertisements; (2) become lifelong customers; and (3) set trends that the rest of society emulates."[1]

Both cases also allege violations of existing laws. The tobacco case included a section titled "There is a likelihood of present and future violations of RICO," while the Meta case highlights "Meta's COPPA noncompliance," referring to the Children's Online Privacy Protection Act. These legal anchors provide a mechanism for judicial intervention and regulation (*United States v. Philip Morris U.S. Inc*., 2023; *New Mexico v. Meta Platforms, Inc*., 2024). The structural parallels between the two cases—targeting of youth, manipulation for profit, and alleged legal violations—highlight an effort by contemporary lawmakers to replicate the successful playbook of tobacco regulation. Yet a critical question remains: do the underlying harms and business models of social media companies truly match those of Big Tobacco? The rest of this paper seeks to answer that question.

Literature Review on Digital Addiction

One underlying premise in the newer lawsuit is that it is possible to become addicted to technology much like it is possible—and likely—to become addicted to tobacco products, especially when use begins at a young age. A literature review reveals that, in fact, studies have shown that social technology use can lead to addictive disorders. In a growing body of publications, addiction to online services has been recognized as a condition with a wide range of symptoms. The literature uses several terms to describe this phenomenon, including "digital addiction," which generally refers to addiction to the devices that provide access to online services and media, though it can also refer to the media themselves. "Internet addiction" (IA), also known as "Internet Addiction Disorder" (IAD) or "Problematic Internet Use" (PIU), is an older term that emphasizes impulsive

[1] A heavily redacted portion of the suit, beginning with the subheading "Meta specifically targets young users," includes several pages of blacked-out content that presumably contain data supporting these claims. However, this data is not publicly accessible and is therefore not evaluated in this paper (*New Mexico v. Meta Platforms, Inc*., 2024).

and problematic internet behavior. Although IAD is not currently classified as a mental disorder in the *Diagnostic and Statistical Manual of Mental Disorders*, a subtype—Internet Gaming Disorder (IGD)—has been included in the most recent edition (Dresp-Langley, 2022). "Digital addiction," the term used throughout this paper, functions as an umbrella encompassing internet addiction, gaming addiction, smartphone addiction, and social media addiction.

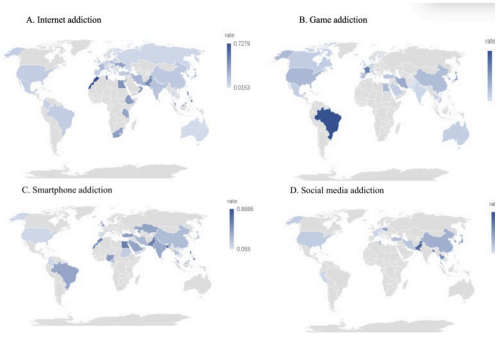

Figure 1. Geographical distribution of digital addiction. (Meng et al., 2022).

A 2022 meta-analysis published in *Clinical Psychology Review* found that up to one-quarter of the general population may be affected by some form of digital addiction, with smartphone addiction being the most prevalent (Meng et al., 2022) Figure 1. While the study notes that standardized diagnostic criteria for digital addiction have not yet been established, it emphasizes the importance of tracking regional patterns to inform future research. Subsequent research has examined nuances in digital addiction. Stănculescu and Griffiths (2022), for example, found that younger internet users with higher stress levels were at greater risk for PIU, particularly when using digital media as a form of escapism. Zhou and Zhang (2023) explored how anthropomorphic qualities in generative AI can foster excessive platform use and emotional attachment. As major social media companies increasingly incorporate AI, these findings suggest an evolving environment conducive to new forms of dependency. Though still under-defined, digital addiction displays behavioral patterns comparable to those associated with other addictive substances. If, as evidence suggests, addiction to social technology is both possible and widespread, then regulatory frameworks like those developed for tobacco may serve as a useful precedent.

Comparing Digital Addiction and Tobacco Addiction

Studies consistently identify psychological and behavioral symptoms associated with digital addiction. Table 1 presents a side-by-side comparison of symptoms found in literature on digital and internet addiction and those documented in research on tobacco and nicotine addiction.

Table 1

Comparison of Psychological and Behavioral Symptoms Between Digital and Tobacco Addiction

Technology Use	Tobacco Use
Association between psychiatric	Nicotine dependence shows

symptoms such as somatization, sensitivity, depression, anxiety, aggression, phobias, and psychosis (excluding paranoia), and diagnosis of internet addiction (Alavi et al., 2011)	high comorbidity with many mental illnesses including attention-deficit/hyperactivity disorder, anxiety disorders, and depression (Kutlu et al., 2015)
High levels of social media use are positively associated with reduced sleep quality, daily dysfunction, and shorter sleep duration (Pirdehghan et al., 2022)	Cigarette smoking and nicotine dependence symptoms are associated with poor sleep quality in young adult smokers (Douglas et al., 2020)
Maternal "phubbing" behavior can significantly predict adolescents' IA (Dai et al., 2024)[2]	Teenagers are much more likely to smoke and be dependent on nicotine if a parent is also
	nicotine-dependent (Kandel et al., 2015)
Peer groups strongly influence decision-making, particularly through social media content (Crone & Konijn, 2018)	Biological, psychological, behavioral, and environmental factors contribute to tobacco use initiation and sustain addiction (Delgado-Lobete et al., 2021)

[2] "phubbing" is defined in the article as "a social behavior whereby parents neglect their children, focusing on their mobile phones instead during parent-child interactions, which emphasizes the children's negative experience of being ignored" (Dai, Lin & Lai)

These findings suggest that many of the symptoms and predictors of tobacco addiction are mirrored in digital addiction. For instance, social media use often stems from Fear of Missing Out (FoMO), a pressure analogous to peer-driven smoking initiation (Rozgonjuk et al., 2021; Jarvis, 1998). Both behaviors are modeled by parents, and both involve similar comorbid psychiatric conditions such as anxiety, depression, and disrupted sleep. In both cases, withdrawal symptoms are documented (Chadha et al., 2020; Centers for Disease Control and Prevention [CDC], 2023), and habit formation leads to impulsive behaviors. Allcott et al. (2020) found that approximately 31% of social media use is attributable to a lack of self-control associated with habitual behavior. Just as heavy smokers may reach for a cigarette within minutes of waking,

many internet users now reflexively check their phones immediately upon waking. Given the growing body of evidence drawing parallels between these two forms of addiction, it becomes increasingly plausible to consider the application of tobacco regulation principles to social technology.

Comparing Tobacco Marketing Strategies and Social Technology Marketing Strategies

The similarities between Big Tobacco and Big Tech extend beyond addiction symptoms to include marketing strategies. In the final opinion of *United States v. Philip Morris USA* (2006), the U.S. government argued that tobacco companies intentionally targeted underage consumers. These companies developed a sophisticated public relations strategy to cast doubt on the health risks of smoking and denied internal evidence about nicotine's addictive nature, all while refining their products to increase addictive potential. The court found that tobacco companies used youth-oriented themes in marketing—car racing, rock concerts, and advertisements near fast-food restaurants and schools—to target future lifetime customers (*United States v. Philip Morris USA,* 2006).

Similarly, state attorneys general have argued that Meta targets young users to maximize engagement and profit. In *New Mexico v. Meta Platforms, Inc.* (2023), the lawsuit alleges that Meta knowingly designs platform features that are addictive, manipulative, and disproportionately harmful to developing brains. These features include algorithmic recommendation systems, public "like" counts, image filters, haptic alerts, infinite scroll, autoplay, and ephemeral content.

This pattern bears resemblance to Big Tobacco's strategy of manipulating nicotine content to enhance addictive potential. Just as tobacco companies denied controlling nicotine delivery, Meta is accused of downplaying the harms of features designed to increase time-on-platform. In the "attention economy," maximizing user engagement directly increases advertising revenue (Mujica et al., 2023). Social platforms leverage behavioral psychology to exploit reward systems and form habit loops, often by activating dopamine triggers (Ali et al., 2021; Lawrence, 2022). This strategy is particularly effective among adolescents, whose neurological development makes them more susceptible to peer feedback and dopamine reinforcement (American Psychological Association [APA], 2023).

Although the lawsuit does not definitively prove Meta's intent to addict users, the parallels in design and economic incentives with Big Tobacco are striking. The line between a "good" product and an addictive one is blurred, especially when features intended to enhance user experience—such as curated content or push notifications—also prolong engagement. Hoffman and Novak (2012) found that users turn to social media to "connect, create, consume, and control" their online environments. These motivations are now inseparable from the platform features alleged to drive addiction. Whether Meta's

goal was to build a better platform or to engineer dependency remains an open—and legally significant—question.

Differences Between Tobacco Use and Technology Use

Despite the similarities, key differences between tobacco and digital technology challenge the application of the same regulatory model. Cigarettes are inherently carcinogenic, while social media platforms are not directly harmful in the same way (CDC, 2023).[3] Tobacco regulation hinged on establishing a causal link between product use and public health harm. The legal framework used against tobacco companies was based on decades of epidemiological evidence connecting smoking to cancer and other fatal diseases. Without a similar preponderance of evidence connecting digital addiction to medical outcomes, it is more difficult to establish regulatory authority.

Nevertheless, social technology is not without health risks. Social media has facilitated dangerous trends such as the "Tide Pod challenge," which led to dozens of poisoning incidents in early 2018 (American Association of Poison Control Centers [AAPCC], 2018). Other viral trends—like "vodka eyeballing" and ingesting desiccant packets—have led to serious injuries and deaths (Ontiveros et al., 2021). Other such trends that can result in medical consequences include the spread of the farse around social media- again most notably on Tik Tok- in 2020 which claimed that over-the-counter pregnancy tests contained an emergency contraceptive pill within the packaging. In fact, the packaging contained an anti-degradation desiccant tablet to improve shelf-life of the product (Ontiveros, Qozi and Cantrell). The unfortunate trend could have negative health outcomes if a consumer believes they are consuming an emergency contraceptive and in fact are not. The trend was so pervasive that multiple leading pregnancy test distributors, including ClearBlue and FirstResponse, now feature warnings on their sites about ingesting the desiccant tablet in their tests (Figure 2, Figure 3).

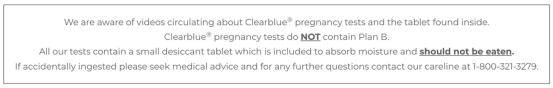

Figure 2

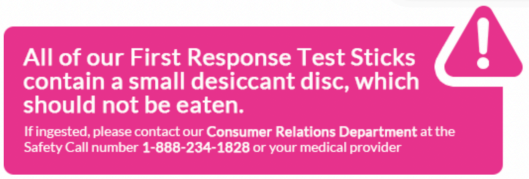

Figure 3

Beyond trends, the indirect health consequences of social technology are substantial. Distracted driving due to phone use caused 12% of fatal crashes in 2022 (National Safety Council, 2023). Hundreds of deaths have resulted from risky selfies taken for social media (BBC News, 2021). Ironically, social media has even been linked

[3] To date, several studies have connected radiation waves from cell phones to an increased likelihood of developing tumors and brain cancer (Choi et al., 2020; Wyde et al., 2016.). However, the current consensus of the FDA is that cell phone radiation does not pose an increased cancer risk (Food & Drug Administration, 2022).

to increased tobacco use: exposure to tobacco-related content significantly raises adolescents' susceptibility to vaping (Backman, 2023). Ultimately, the challenge of regulating social media lies in its dual nature: it offers meaningful benefits while also posing health and psychological risks. Regulatory frameworks must address this complexity. Unlike tobacco, which the FDA regulates based on known physical harms, social media's risks are more diffuse and harder to quantify. Yet, as with tobacco, proving a causal link between platform features and health outcomes may be key to effective oversight.

The feasibility of tobacco regulation as a blueprint for tech regulation

The tobacco regulation strategy

In 2009, ten years after the initial lawsuit against Big Tobacco was filed, President Barack Obama signed into law the Family Smoking Prevention and Tobacco Control Act (TCA), which remains the primary regulation governing the tobacco industry. With the TCA, the Food and Drug Administration (FDA) was granted the authority to regulate "any product made or derived from tobacco that is intended for human consumption," and a new branch of the FDA, the Center for Tobacco Products (CTP), was established. The FDA's authority under the TCA includes the regulation of the marketing and sale of tobacco products, particularly to minors. As outlined by the Public Health Law Center, the TCA:

- Bans outdoor advertising within 1,000 feet of schools and playgrounds
- Bans brand sponsorships of sports and entertainment events
- Bans free giveaways of non-tobacco items with tobacco purchases
- Bans free samples and small cigarette packages
- Limits advertising in youth-targeted publications and point-of-sale locations to plain black text on a white background
- Restricts vending machines and self-service displays to adult-only venues
- Establishes a federal minimum age of 18 for purchasing tobacco
- Requires photo ID for purchases and penalizes retailers who sell to minors

Additionally, the FDA has the authority to regulate product composition, including levels of tar and nicotine, and to oversee scientific initiatives that explore the risks associated with tobacco use (Food and Drug Administration, n.d.). The strategic goals of the CTP include preventing tobacco initiation, encouraging cessation, and reducing harm.

The passage of the TCA created a regulatory body dedicated entirely to tobacco, overseeing everything from production to marketing. It has shown significant success, such as a 5% decline in high school tobacco use from 2011 to 2017 (Wang, Gentzke, & Sharapova, 2018). This prompts an evaluation of whether this regulatory model might be applicable to the technology industry. Could the regulatory

framework of the Tobacco Control Act apply to technology?

The FDA as the regulating body

While the FDA was a logical regulatory choice for tobacco, it may not be suitable for social technology. The FDA's mission is to ensure the safety and efficacy of food, drugs, and medical devices, not media or digital platforms. Although the agency regulates products that emit radiation, like smartphones, it does not currently view phone radiation as a health threat. Therefore, the FDA's scope does not naturally extend to regulating social media platforms.

Establishment of a new regulatory arm under an existing body

The TCA established the CTP under the FDA. A similar approach could involve creating a new tech-focused agency under an existing regulatory body. However, the issues raised by Big Tech are far more varied than those posed by tobacco. Agencies like the Federal Trade Commission (FTC) and the Consumer Product Safety Commission (CPSC) oversee business practices and consumer safety, but neither has a mandate broad enough to cover the range of Big Tech's challenges. These include misinformation, algorithmic bias, data security, monopolistic practices, and harms to youth. According to Simpson and Conner (2023), the abuses span "widespread fraud, abuse of small businesses, abuse of market power, faulty algorithms, racist and sexist technological development, cybersecurity challenges, threats to workers' rights, curtailed innovation, and challenges with online radicalization and misinformation." It would be difficult to task any single existing agency with overseeing such a broad and multifaceted domain.

Alternate approaches

An alternative strategy could involve the establishment of a wholly new regulatory body. Dignam et al. (2021) have proposed an "Artificial Intelligence Licensing Agency" (AILA) modeled after UK institutions like NICE and HFEA. Such an agency would integrate technical, ethical, and legal expertise and emphasize diversity in staffing and evaluation. However, this model addresses only part of the tech landscape, focusing primarily on AI, while a comprehensive tech regulator would need to oversee areas like data privacy, digital addiction, market competition, and platform design.

Another option is a liability-based regulatory model that uses lawsuits to hold companies accountable for harm. Brennan (2002) argues that civic virtue alone is insufficient to drive industry self-regulation, but liability, when paired with clearly defined safety expectations, may be effective. Lawsuits can compel companies to create safer products, and regulators can then focus on reviewing those products rather than developing deep technical expertise from scratch.

The European Union's General Data Protection Regulation (GDPR) offers another model. It mandates that companies

obtain informed consent before collecting personal data and requires transparency about how data is used. These measures echo the TCA's warning label requirements. Under the TCA, cigarette packages must bear clear labels such as "WARNING: Cigarettes cause cancer" or "WARNING: Cigarettes are addictive" (Food and Drug Administration, n.d.). While the GDPR similarly seeks to inform consumers, the consequences of data use are often more abstract than the physical dangers of tobacco.

Even with such labels, data breaches remain common. For instance, in 2024, a breach affected over 560 million Ticketmaster users, and in 2021, 700 million LinkedIn accounts were compromised (Sobers, 2024). Despite consent, consumers may not fully understand or anticipate such risks. Unlike the clear link between cigarettes and cancer, the harms of digital products are more diffuse and less predictable, complicating efforts to inform consumers adequately.

Parts of tobacco regulation to consider repurposing

Although a direct application of the TCA model to social technology is unlikely, some of its regulatory tactics may still prove useful:

- Age restrictions on users
- Restrictions on advertising aimed at youth
- Warning labels about potential harm
- Public education campaigns

These interventions could be adapted to the digital context and help mitigate the risks of harmful platform use among vulnerable populations.

Social technology as a force for good

Unlike tobacco, which offers no known societal benefit, social technology can serve as a positive force. For instance, Chopik (2016) found that older adults who engaged with social technology reported better self-rated health, fewer chronic conditions, and higher well-being. Haddock, Ward, and Yu (2020) found that social media use in youth was associated with gains in problem-solving, executive functioning, creativity, and social-emotional development. The challenge for regulators, then, is to reduce harm without eliminating the potential for good. Tobacco regulations did not face this dilemma, but in regulating social technology, lawmakers must be careful not to impede positive outcomes such as digital literacy, connectedness, and innovation. While the TCA provides valuable insights, it cannot serve as a one-size-fits-all blueprint for regulating technology. The harms of social media and other platforms are more diverse and less quantifiable than those of tobacco. While specific measures from the TCA—such as age limits and advertising restrictions—may be adapted, social technology will require its own regulatory infrastructure. A successful regulatory strategy will likely include a combination of new agency oversight, public education, liability frameworks, and data-driven research into the harms of digital platforms. Until a new regulatory body is established, the current lawsuit-based

strategy, though imperfect, offers a viable path forward.

Policy recommendations

Based on this analysis, the following policy recommendations are proposed:

1. Use the TCA's approach to regulatory innovation as a guide. While its structure may not transfer directly, its methodology—creating a dedicated regulatory body, empowering scientific research, and tailoring regulations to product-specific risks—is applicable.
2. Establish a new regulatory agency focused on social technology. This agency should be capable of evaluating harms across platforms, including those related to algorithms, data privacy, and user experience.
3. Prioritize harm quantification. As with tobacco, data demonstrating specific harms (e.g., addiction, mental health impacts, market concentration) will be crucial to justifying regulation.
4. Cultivate a government workforce with technological expertise. Incentives such as fellowships that rotate between Big Tech and regulatory agencies can help build this workforce.
5. In the interim, continue to use liability through strategic lawsuits. While this approach may be slower and subject to political shifts, it remains the most immediate tool available.

Conclusion

The 2023 lawsuit against Meta borrows both structurally and rhetorically from the lawsuits that transformed the regulation of the tobacco industry in the 1990s. It draws on the comparison between addiction to nicotine and addiction to social media, highlighting youth targeting and the long-term harms of compulsive platform use. Yet, the analogy has its limits. Social technology implicates many more domains of public interest than tobacco ever did, including data privacy, misinformation, antitrust, and national security. Moreover, social media offers benefits that tobacco never did, which makes regulation more complex. Rather than copying the TCA wholesale, regulators should borrow and adapt select elements: youth protections, warning mechanisms, and educational initiatives. Ultimately, a new, comprehensive regulatory framework tailored to the complexities of digital life will be needed. The TCA provides a helpful precedent—but not a perfect map—for navigating this uncharted terrain.

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