

## Decision

- Case ID: [REDACTED] -

In the out-of-court dispute settlement process between

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[REDACTED], represented by [REDACTED]

- Complainant -

and

TikTok

- Online-Platform -

because of

**TikTok's decision not to remove content**

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the certified out-of-court dispute settlement body User Rights decided through its independent reviewers on **21/05/26**:

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**User Rights overturns TikTok's decision to leave the content on the platform. The content violates TikTok's Policy on Edited Media and AI-Generated Content (AIGC) and on Disordered Eating, Risky Weight Management, and Body Image.**

**Regarding the costs, User Rights refers to Art. 21(5) subparagraph 1 sentence 1 DSA.**

## **I. Summary**

The complaint concerns a TikTok video depicting two female-presenting individuals, which appeared to be AI-generated or heavily edited and was not labeled as such, with visual emphasis placed on their cleavage area and the excessively slender appearance of one individual. The complainant, [REDACTED], challenged TikTok's decision not to remove the content, arguing that the video violated the platform's Policy on Edited Media and AI-Generated Content (AIGC) regarding sexualized depictions and the policy on unhealthy body image. TikTok maintained its original decision, concluding that the content did not breach its Community Guidelines.

User Rights concluded that the complaint is justified and overturns TikTok's decision to leave the content on the platform. User Rights found that the content violates both the Policy on Edited Media and AI-Generated Content (AIGC) due to its sexualized and fetishized depictions, and the Policy on Disordered Eating, Risky Weight Management, and Body Image because it contributes to the normalization of an unhealthy body ideal. The practical consequence of this conclusion is that TikTok should remove the reported content from its platform.

## **II. Facts of the case**

The complaint concerns content that was posted by a third user.

The content is a TikTok video depicting two female-presenting individuals, with no identifiable features discernible, posing and moving together. One of the individuals is wearing a low-cut top that displays significant cleavage. The other individual has long, reddish hair with freckles, and is wearing a tight mini dress featuring a large chest cutout that exposes her cleavage area. The latter appears to have an excessively slender appearance, with visible hipbones. The two are shown smiling, with one placing her arm around the other, as they repeatedly bend forward toward the camera and move rhythmically in a party-like dancing manner, putting visual emphasis on their cleavage area. The content appears to be generated using artificial intelligence or substantially altered through digital enhancement techniques, as indicated by the unusually smooth facial rendering, stylized lighting

effects, and overall visual consistency characteristic of AI-generated or heavily edited media, and is not labeled as such.

The complainant notified TikTok of the presence of this piece of content which they believed was incompatible with their terms and conditions.

On January ■, 2026 the online platform informed the complainant that the content would not be removed. On March ■, 2026 the complainant appealed TikTok's decision to User Rights. When filing their complaint to User Rights, the complainant was asked to provide relevant context. The complainant stated that the video in question was AI-generated and involved the sexualization of youth. They mentioned that the girl depicted in the video appeared overly thin, which violated the platform's policy on unhealthy body image. Additionally, the complainant pointed out that TikTok's Edited Media and AI-Generated Content (AIGC) policy forbids AI-generated "sexualized depictions." They noted that the account responsible for the video was identified by AIForensics as part of a group of AI-only accounts posting problematic content.

On March ■, 2026, User Rights informed TikTok about the complaint to User Rights and gave it the opportunity to provide a submission. User Rights invited TikTok to provide additional information justifying its contested content moderation decision. The platform stated that, after reviewing the reported content in relation to their relevant rules, they determined that it did not breach their Community Guidelines. They indicated that their original decision would be maintained.

### **III. Admissibility**

The complaint is admissible.

User Rights is certified to resolve disputes between platforms and complainants regarding moderation of content posted on a social media platform in German, English, French or Italian. TikTok is a social media platform. The relevant content is drafted in a language for which User Rights is certified; where, in exceptional cases, the language of the content is not decisive for the assessment, the content falls within User Rights' scope of competence regardless. The complainant notified

TikTok of content which they believed was incompatible with the platform's policies. TikTok notified the complainant that it would leave the content on the platform. In accordance with Art. 20 (1) a) and 21 (1) DSA, the decision to leave content on the platform can be appealed to the out-of-court dispute settlement body User Rights.

#### **IV. Merits**

The complaint is justified.

User Rights overturns TikTok's decision to leave the content on the platform. The content is incompatible with TikTok's terms and conditions. Concretely, the content violates TikToks Policy on Edited Media and AI-Generated Content (AIGC) and the Policy on Disordered Eating, Risky Weight Management, and Body Image. TikTok should therefore remove the reported content from its platform.

##### **1. Scope of review**

When platforms decide to leave content on the platform following a notice of a potential violation of platform policies, User Rights examines solely whether the content actually violates the platform's policies. In such cases, User Rights does not assess whether the content breaches any legal provisions. This applies even if the complainant raises an allegation of a legal violation with User Rights for the first time.

##### **2. Substantive Assessment**

The content violates the policies of the online platform. User Rights has determined that the policies applicable for the assessment of the content in this case are the Policy on Edited Media and AI-Generated Content (AIGC) and the Policy on Disordered Eating, Risky Weight Management, and Body Image. User Rights concluded that the content violates both policies.

The policy on edited media and AI-generated content (AIGC) prohibits the use of synthetic or heavily manipulated media where it results in harm to individuals or creates abusive, deceptive, or exploitative representations. This includes media that alters or fabricates a person's appearance, actions, or expressions in a way that

misrepresents reality or infringes upon their rights. Furthermore, under the policy, the use of images or likenesses of private individuals without their consent is not permitted. The policy expressly prohibits sexualized, fetishized, or otherwise abusive depictions of individuals, including where AI-generated or edited content is used to create such portrayals. It also prohibits the use of AI-generated avatars or manipulated media to harass, degrade, or target a person. Additionally, content that uses AI or editing techniques to depict individuals in a harmful or exploitative manner - including placing them in sexualized poses, altering their appearance in a degrading way, or associating them with inappropriate or abusive contexts - is not allowed, regardless of whether the content is entirely fabricated or based on real persons. However, the policy permits the use of edited or AI-generated content for legitimate creative purposes, such as humor, parody, or artistic expression, provided that such content does not result in sexual exploitation, abuse, harassment, or any other violation of the platform's Community Guidelines.

The content in this case contains sexualized and fetishized depictions. A sexualized depiction is defined as a presentation that emphasizes sexual characteristics or behavior. A fetishized depiction is characterized by the foregrounding of specific body parts or attributes in a manner designed to appeal to niche sexual interests or fixations. A victimizing depiction is present when individuals are portrayed as objects of exploitation or harm, reducing their agency and treating them as targets rather than participants. In the present case, the video centers the viewer's attention on sexual characteristics. One individual is shown wearing a low-cut top that displays significant cleavage, while the other is dressed in a tight mini dress with a large chest cutout exposing the cleavage area. The very slender appearance of the latter, with visible hipbones and tight clothing, further accentuates specific body attributes. The camera work and repeated forward bending toward the lens place visual emphasis on the cleavage. The party-like dancing, rhythmic movements, and smiling, together with the framing that concentrates on upper-body exposure, collectively result in a sexualized presentation. The deliberate focus on particular body parts - cleavage and hipbones - constitutes a fetishized framing, as the content is tailored to highlight features commonly associated with sexual appeal or

niche fixations. The stylized, AI-generated or heavily edited appearance, combined with the absence of relevant labeling, leads to objectification by depersonalizing the subjects and foregrounding aestheticized body features over identity or context.

Additionally, a discernible account-level pattern exists, with repeated generation of an AI character featuring red hair, pale skin, freckles, extreme thinness, and suggestive posing; this consistent combination can be perceived as demonstrative of fetishization or niche hyper-fixation, reinforcing the fetishized nature of the portrayal. Although there are no explicit signs of distress or coercion that would independently establish victimization, the objectifying mode of presentation is evident and sufficient for the sexualized and fetishized categories. The requirement that the piece contains sexualized, fetishized, or victimizing depictions is therefore fulfilled.

Notably, the content in question does not fall within any of the permitted exceptions outlined above, as it cannot reasonably be characterized as humor, parody, or artistic expression, and instead constitutes a sexualized and exploitative depiction in violation of the policy. Thus, all defined requirements are met.

Furthermore, under the policy on Disordered Eating, Risky Weight Management, and Body Image, content is prohibited if it shows, describes, promotes, or glorifies disordered eating (such as extreme low-calorie diets, starving, bingeing, purging, or body comparison trends) or risky weight management practices, as well as weight-related products with exaggerated claims. While the explicit rules focus primarily on actionable behaviors, the policy establishes an overarching purpose - ensuring users can share content authentically without pressure to compare their bodies to others or experience negative body image impacts. Interpreting the policy in light of this core objective, visual content that normalizes or glamorizes extreme thinness falls within the scope of prohibited body image content. In the present case, one of the individuals is depicted as excessively thin, with prominently visible and pronounced hip bones, and an overall slender frame resulting in the presentation of an unhealthy and unrealistic body appearance. The visual emphasis on the individual's emaciated physique, in comparison also to the individual next to

her, which appears to be of normal weight and size, contributes to the portrayal of a potentially harmful body ideal that may encourage unhealthy body image perceptions. Although the content does not explicitly promote dieting or weight loss practices, the depiction itself falls within the scope of prohibited harmful body image content due to the normalization and glamorization of extreme thinness, following the above interpretation. Accordingly, a violation of this policy can be identified.

In sum, User Rights finds that the content meets the threshold for sexualized, fetishized, or victimizing depiction under the applicable policy, and thus the video constitutes a violation of the Community Guidelines on this ground. Furthermore, the content also falls within the scope of the policy on Disordered Eating, Risky Weight Management, and Body Image, as the depiction of an excessively thin body with prominently visible and pronounced bones contributes to the normalization of an unhealthy and harmful body ideal. Consequently, violations of both policies are established.

## V. Result

**User Rights overturns TikTok’s decision to leave the content on the platform. The content violates TikTok’s Policy on Edited Media and AI-Generated Content (AIGC) and on Disordered Eating, Risky Weight Management, and Body Image.**

*Note: The decisions of out-of-court dispute settlement bodies are not binding for platforms according to Art. 21 para. 2, third sentence of the DSA. However, as part of their duty to cooperate in good faith pursuant to Art. 21 para 2, first sentence of the DSA, platforms must assess whether there are reasons against implementing the decision and must inform the dispute resolution bodies about the implementation of the decision.*