To: Attorneys' General of the United States; United States Attorneys' Offices; Federal Trade Commission
From: Concerned Consumer Protection, Privacy, and Kids Focused Non-profit Organizations
Date: August 14, 2025

Urgent request for investigation into xAI's "Grok Imagine" and Its Role in Facilitating Non-Consensual Intimate Imagery

The undersigned organizations urge your offices to investigate potential violations of Non-Consensual Intimate Imagery ("NCII") laws, Unfair and Deceptive Trade Practice ("UDAP") laws, and the Children's Online Privacy Protection Act by the new "Spicy" mode on X's (formerly Twitter) AI platform "Grok Imagine."[1]

Grok is the name of the AI tool released by Elon Musk's xAI company, and there are many different offerings under the umbrella of Grok, most recently a product called "Grok Imagine."[2]

On August 4th, the company released Grok Imagine which facilitates both image and video generation.[3] When a user goes to animate an image, "Spicy" is one of four options users can select when they want to take an image generated by the platform and transform it into a video.[4] A now-deleted post from xAI employee Mati Roy said that "Grok Imagine videos have a spicy mode that can do nudity" and said in another post on X that the new feature would "be able to create realistic videos of humans."[5]

On August 5th, journalist Jess Weatherbed from The Verge illustrated that "[w]hile other video generators like Google's Veo and OpenAI's Sora have safeguards in place to prevent users

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[1] Children's Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501–6506; Federal Trade Commission Act § 5, 15 U.S.C. § 45; 50-State Evaluation of Unfair and Decepitve Practices Laws, National Consumer Law Center (2018), available at https://www.nclc.org/wp-content/uploads/2022/08/udap-appC-1.pdf; End Abuse, State Laws Criminalizing AI-Generated or Computer-Edited Child Sexual Abuse Material (CSAM), Enough Abuse (2025), available at https://enoughabuse.org/wp-content/uploads/2025/04/State-Laws-Criminalizing-AI-or-Computer-Generated-CSAM-2.pdf.

[2] Rebecca Bellan, "Grok Imagine, xAI's New AI Image and Video Generator, Lets You Make NSFW Content," TechCrunch (2025), available at https://techcrunch.com/2025/08/04/grok-imagine-xais-new-ai-image-and-video-generator-lets-you-make-nsfw-content/ (last visited Aug 11, 2025).

[3] Timothy Beck Werth, "We Tried Grok Imagine for AI Video and Images: Our Initial Thoughts," Mashable (Aug. 4, 2025), available at https://mashable.com/article/xai-grok-imagine?test_uuid=003aGE6xTMbhuvdzpnH5X4Q&test_variant=b (last visited Aug 11, 2025).

[4] Jibin Joseph, "Grok App Adds AI Image and Video Generator With NSFW "Spicy" Mode," PCMag (Aug. 5, 2025), available at https://www.pcmag.com/news/grok-app-adds-ai-image-and-video-generator-with-nsfw-spicy-mode (last visited Aug 12, 2025).

[5] Bruna Horvath, "Grok Video Generator Will Have "spicy" Mode, Says xAI Employee," NBC News (Jul. 30, 2025), available at https://www.nbcnews.com/tech/elon-musk/grok-video-generator-will-spicy-mode-says-xai-employee-rcna221807 (last visited Aug 11, 2025).

from creating NSFW content and celebrity deepfakes, Grok Imagine is happy to do both simultaneously. In fact, it didn't hesitate to spit out fully uncensored topless videos of Taylor Swift the very first time I used it — without me even specifically asking the bot to take her clothes off."[6] While this service was previously only available to a subset of Grok users that paid for a premium version, as of August 7th it is now available for free to all users.[7]

As of testing on August 11th, the platform does not offer the 'spicy option' for real photos uploaded by users, but still generates nude videos from images generated by the tool, which can be used to create images that look like real, specific people. The generation of such videos can have harmful consequences for those depicted and for under-aged users. In addition, removing the limitation on the use of "Spicy" option for real photos is a small moderation choice that can be made at any moment and would unleash a torrent of obviously nonconsensual deepfakes. In fact, the platform and its chief executive have a penchant for removing moderation safeguards under the guise of "free speech."[8]
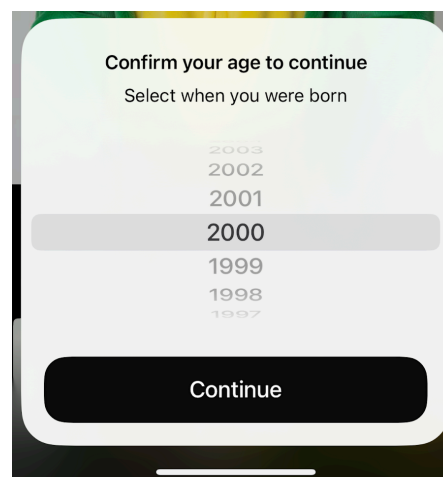
When users go to use "Spicy" mode, there is a cursory and insufficient "Year Born" pop up for mobile users that asks what year you were born. 2000, a year that would qualify for any 18 or 21+ content, is preselected. On the web, there are two buttons that just say "I am 18 or over" highlighted in white text against a black background or "I am not over 18" in regular text and not highlighted. These design elements strongly nudge users to select the 18 or over option regardless of their actual age.

Furthermore, image generation platforms train off of scraped and licensed publicly available data including untold amounts of photos of real people. According to one study, one popular image training dataset contained 102 million images of real people from photos on school sites, LinkedIn, Flickr, and more, even after attempts at "data sanitization."[9] xAI does not disclose the contents of its training dataset, but that dataset likely contains a large number of real photos. xAI has

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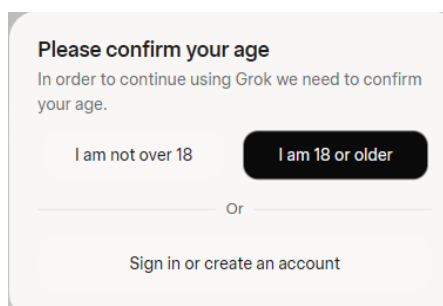
[6] Jess Weatherbed, "Grok's 'Spicy' Video Setting Instantly Made Me Taylor Swift Nude Deepfakes," The Verge(Aug. 5, 2025), available at https://www.theverge.com/report/718975/xai-grok-imagine-taylor-swifty-deepfake-nudes (last visited Aug 11, 2025).

[7] Zac Hall, "xAI Makes Grok Imagine Video Generator Free for Everyone," 9to5Mac (2025), available at https://9to5mac.com/2025/08/07/grok-imagine-ai-video-generation/ (last visited Aug 11, 2025).

[8] Daniel Hickey et al., *X under Musk's Leadership: Substantial Hate and No Reduction in Inauthentic Activity*, 20 PLOS ONE (2025).

[9] Morgenstern, Rachel Hong; Jevan Hutson; William Agnew; Imaad Huda; Tadayoshi Kohno; Jamie. *A Common Pool of Privacy Problems: Legal and Technical Lessons from a Large-Scale Web-Scraped Machine Learning Dataset*. Accessed 11 Aug. 2025, available at https://arxiv.org/pdf/2506.17185

incentivized users to upload sensitive data for one purpose, and then use it to train or for other purposes, and this practice likely applies to photos as well.[10] When photos of people are included in a dataset used for AI training, it increases the likelihood of an image representation of that person being spat out by the AI generator. This, in turn, makes it more likely that a photo of you posted on X will be hoovered up by Grok's system and integrated into its training dataset.[11]

We urge your office(s) to investigate and take appropriate enforcement action regarding the following conduct, which likely constitutes violations of the law:
- xAI is knowingly facilitating the creation, distribution, and hosting of content that violates laws against AI-generated NCII, which have passed in 38 states. The generation of this NCII content may also constitute a UDAP violation in and of itself.
- Content produced by Grok's "Spicy" mode can easily be used to illegally blackmail, extort, or otherwise embarrass an individual and cause serious harm.
- The deployment of a closed model trained on real individuals' photos enables the generation of sexualized representations that closely resemble real people, potentially violating UDAP laws due to the unfair, deceptive, and harmful nature of such outputs.
- The use of people's photos for this purpose of training without express consent, notice, or compensation is unfair and deceptive.
- The "2000" birth year preset for age "verification" when using what is essentially a "nudify" app may violate the Children's Online Privacy Protection Act or state-specific age verification laws for adult content.
- The design of the age verification process on both the app and web-based version of Grok constitute 'dark patterns,' violating UDAP laws through manipulative user interface choices.
- The creation and use of people's likenesses without their consent may violate people's right to publicity.

We would be pleased to provide additional evidence, technical analysis, or any other potential support for your investigation. If you have any questions, please feel free to reach out at bwinters@consumerfed.org.

Sincerely,
Consumer Federation of America (CFA)
Center for Economic Justice
Common Sense Media
Electronic Privacy Information Center (EPIC)
Encode AI
Fairplay

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[10] E.g. Elizabeth Passarella, "Elon Musk Asked People to Upload Their Health Data. X Users Obliged," The New York Times (Nov. 18, 2024), available at https://www.nytimes.com/2024/11/18/well/x-grok-health-privacy.html (last visited Aug 11, 2025).
[11] Kate O'Flaherty, "What You Need to Know About Grok AI and Your Privacy," WIRED (Sep. 9, 2024), https://www.wired.com/story/grok-ai-privacy-opt-out/ (last visited Aug 12, 2025).

The Midas Project
National Consumers League
National Center on Sexual Exploitation
Oregon Consumer Justice
Reset.Tech
Revolving Door Project
The Sexual Violence Prevention Association
Tech Justice Law Project
The Tech Oversight Project