



The Baby Shaker Application: A Mobile App Dilemma

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Abstract. In 2009, Apple released the Baby Shaker app through its Apple Store. The app was only on the market for a couple of days, but CNN named the app one of the worst business decisions of 2009. This paper explores the issues of content control and censorship in the app industry using a fictional company and characters based on facts associated with the Baby Shaker app release. The case puts students in the position of a manager at an app development company who is tasked with responding to the public outcry caused by the release of the Baby Shaker app. Using the COVER model for ethical decision-making, the instructor's manual guides faculty through various ethical theories to assist students with developing critical and ethical decision-making skills.

Keywords: ethics, mobile applications, computers, global market.

1. Introduction

Shelly Watson, director of mobile applications (apps) for YKom, sat at her desk and looked at her calendar.¹ A new meeting with the top leadership of the company appeared while she was on her drive to work. The morning news had run a story about the dumbest moments in business for the prior year and YKom was closely related to number 15 – the “worst app ever”. The Baby Shaker app had been developed by a programmer who used YKom's processes, software and guidelines.² After it passed YKom's technical review, it went up for sale at the Apple Store. Once available for purchase, there was public outcry and the app was removed from the Apple Store. In the following weeks, Shelly had spent hours in meetings with company leadership debating YKom's commitment to free speech and open access to the development process against content filtering and

1. This case study is based on a real application that made it to market, but the characters and company (YKom) are fictional. Information in the case study comes from web pages and news articles related to the release of the real Baby Shaker app. Company information (mission statements, etc.) are modified from those of real companies in the industry.
2. The app in the article is a real app presumably developed by a programmer named Alex Talbot and his one-person company, Sikalosoftware. See Arthur, C. (2009, April 23). “Apple Shaken by iPhone Baby Game”, retrieved May 24, 2013 from <http://www.guardian.co.uk/technology/2009/apr/24/apple-iphone-baby-shaker-application> and Krazit, T. (2009, April 23), “Apple Apologizes for Baby Shaker”, CNET.com, retrieved May 24, 2013 from http://news.cnet.com/8301-13579_3-10226232-37.html

“censorship”. Shelly ran the division that created the policies and processes for development of applications, or apps, for mobile devices like phones and tablet computers. It ultimately was her responsibility to justify to the CEO and owners of the company why policies were adopted and how they matched the goals of the company. This issue was challenging for everyone and Shelly was in the middle of managing the debate. The leadership was trying to decide whether YKom should be a company that encourages innovative thinking at the risk of allowing some inappropriate or socially unacceptable applications to be developed or a company more attentive to public opinion though it may mean reviewing content and angering developers. It was clear from the newly scheduled meeting that the issue was not yet resolved.

2. A Brief History of Smartphones and the App Market

Mobile technology first became available to the general public in 1983.³ Even at that early date, there was a simple app for managing contacts that was a part of the phone’s operating system.⁴ As mobile phones grew cheaper and became more available, customers began to demand new features.⁵ As those apps were developed, they were developed by the phone manufacturers so that third parties would not learn the technological secrets of the phones.⁶ Eventually phone manufacturers borrowed from internet technology and developed systems to allow the development of apps by third parties.⁷

In 1999, Blackberry introduced the predecessor to the smartphone – a “two-way pager” that allowed people to communicate through what were essentially basic text messages.⁸ As technology improved, smartphones became more common and in 2007, Steve Jobs announced that Apple Computers was releasing its first mobile phone, called the iPhone.⁹ It featured brand new technology – the “Multi-touch” – which allowed the user to control the device with a slide of a finger instead of buttons.¹⁰ During its opening weekend, CNN estimated that sales of iPhones reached 500,000.¹¹ The iPhone3G, which was released in 2008 and was twice as fast as the original iPhone, ran more apps than the original, and

3. Clark, John F. (n.d.), “History of Mobile Applications”, retrieved May 24, 2013 from <http://www.uky.edu/~jclark/mas490apps/History%20of%20Mobile%20Apps.pdf>

4. Ibid.

5. Ibid.

6. Ibid.

7. Ibid.

8. See Blackberry (n.d.), “A Short history of the BlackBerry”, retrieved May 24, 2013 from <http://www.bbcsnw.com/a-short-history-of-the-blackberry.php>

9. Honan, M. (2007, Jan 9), “Apple Unveils iPhone”, retrieved May 24, 2013 from <http://www.macworld.com/article/54769/2007/01/iphone.html>

10. Ibid.

11. CNNMoney.com (2007, July 2). iPhone Sales Said to Hit Half-Million, retrieved May 24, 2013 from http://money.cnn.com/2007/07/02/technology/iphone_sales/

it allowed for third-party apps designed for the phone.¹² The newest version, the iPhone 4S, released in 2011, continued to give users increased speed and the ability to run third-party apps.

The Apple Store advertised tens of thousands of apps that can be purchased and downloaded by iPhone users.¹³ There were apps for cheese lovers (Fromage), wine lovers (Wine Ph.D.), news seekers (Newsdesk), information seekers (TED – Technology, Entertainment, and Design), birdwatchers (Birdpost), and surfers (Surf Watch). In fact, more than 200,000 apps were released for the iPhone.¹⁴ On average, an individual iPhone app sold about 44 copies per day and 11,625 copies in its lifetime.¹⁵ The apps downloaded specifically for the iPhone earned Apple monthly revenue of \$125 million.¹⁶ Of the universe of apps available to iPhone users, 10.2 apps were downloaded per user every month.¹⁷ And Apple was not the only company running apps – non-Apple smartphones could run apps purchased through the Android market.¹⁸ While many of the apps can be very useful, there has been controversy around a number of them.¹⁹

For example, Apple allowed the Transborder Immigrant Tool to enter the marketplace and received considerable criticism. This app was able to help illegal aliens determine the best route from Mexico into the United States, find people or groups who would help them cross the border, and find food and water during their journey.²⁰ Other controversial apps for the iPhone were the Gay Cure app and the Five Minutes to Kill Yourself app.

Android also had its share of controversial apps, such as KG Dogfighting. The app was designed for users to “feed, water, train, and fight [their] virtual dog against other players.”²¹ This app had previously been released by Android under the name Dog Wars; however, due to the bad publicity it was receiving from Michael Vick and the Humane Society, the app was removed from the market.²² Michael Vick said, “I think it’s important to send the smart message to kids and

12. Apple, Inc. (2008, June 9), “Apple Introduces the New iPhone 3G”, retrieved May 24, 2013 from <http://www.apple.com/pr/library/2008/06/09iphone.html>

13. Ibid.

14. Techcrunch (2010, May 16), “iPhone App Sales, Exposed”, retrieved May 24, 2013 from <http://techcrunch.com/2010/05/16/iphone-app-sales-exposed/>

15. Ibid.

16. MacDailyNews (2009, August 28), “Apple’s iTunes App Store Annual Revenue Estimated at \$2.4 billion”, retrieved May 24, 2013 from http://macdailynews.com/2009/08/28/apples_itunes_app_store_annual_revenue_estimated_at_24_billion/

17. Ibid.

18. Android Market (n.d.), retrieved May 24, 2013 from <https://market.android.com/>

19. T3.com (2013, January 29), “Banned Apps: 12 Controversial iPhone Apps”, retrieved May 24, 2013 from <http://www.t3.com/features/banned-apps>

20. Schilling, C. (2009, December 6), “Want to Sneak Into U.S.? There’s an App for That”, retrieved May 24, 2013 from <http://www.wnd.com/index.php?fa=PAGE.view&pageId=117865>

21. Google.com (n.d.), “Google Play Description of KG Dogfighting”, retrieved May 24, 2013 from https://play.google.com/store/apps/details?id=kagegames.apps.KG_AppD1&hl=en

22. Ibid.

not glorify this form of animal cruelty – even in an Android app.”²³ Kage Games, the creators of KG Dogfighting, added a new element to the game. They created a fictitious law enforcement agency, F.E.T.A., “to teach [their] users there are consequences to dog fighting in real life.”²⁴ Even though F.E.T.A. was supposed to serve as a lesson to users, the creators provided users, who play as dog trainers, the ability to have guns so they can shoot the F.E.T.A. officers.²⁵

Both Android and Apple have allowed third parties to develop apps for the iPhone, and they have created tools for developing iPhone apps relatively easily for those with the proper skills.²⁶ Apple encourages developers through a motivational video on its web site.²⁷ Apple also encourages iPhone users to download third-party apps by advertising featured third-party apps on the Apple downloads page.²⁸

3. YKom, The Company

YKom was founded in 1972 by James Smith, a free spirit and a free thinker with a streak of ambition and a solid sense of business.²⁹ The business was named after Smith’s two children, Yolanda and Kris, and a play on the word “communication”. It began as a small independent telecommunications company with just five employees. Smith founded the company because he felt strongly that the world of technology should be for all people – he disagreed that any one company should own or control operating systems and hardware patents to create monopolies. He felt that all people should be able to develop programs that could run on the operating systems. Smith was an innovative and entrepreneurial owner and grew his business from a fledgling company to a major facility in software development: YKom grew to more than 500 employees in four locations.

As the company grew, Smith allowed the mission statement to evolve over time, but it stayed true to his founding ideals of innovation, access, and free

23. Fox News, (2011, April 25), “New Dog-Fighting App Even Outrageous to Michael Vick, but Makers Defend It as ‘Satire’”, retrieved May 24, 2013 from <http://www.foxnews.com/scitech/2011/04/25/dog-fighting-app-outrageous-michael-vick/>

24. Wimberly, T. (2011, August 13), “Dogfighting App Returns to the Market, Portion of the Proceeds go to Animal Rescue Orgs”, retrieved May 24, 2013 from <http://androidandme.com/2011/08/applications/dogfighting-app-returns-to-the-market-portion-of-the-proceeds-go-to-animal-rescue-orgs/>

25. Ibid.

26. Apple, Inc. (n.d.), “iOS Developer Program”, retrieved May 24, 2013 from <http://developer.apple.com/iphone/program/>

27. Apple, Inc. (n.d.), “Developer”, retrieved May 24, 2013 from <https://developer.apple.com/videos/>. It is unclear whether there was any process of review by the people at Apple before third-party developed apps are offered to the public.

28. Apple, Inc. (n.d.), “Downloads”, retrieved May 24, 2013 from <http://www.apple.com/downloads/>

29. YKom, its employees and owners are all fictitious. The app in the article is a real app presumably developed by a programmer named Alex Talbot and his one-person company, Sikalosoftware. See note 1.

expression. The most recent revision to the mission statement, incorporating the focus on mobile apps, read:

Ykom is committed to helping innovative software developers bring mobile applications and software to consumers through an open platform to improve the mobile and computing experience. We value innovative developers, customers, and employees.

Just as the mission changed over time, the culture of the company also changed. The corporate culture always encouraged employees to be creative in their jobs. This creative freedom allowed for the development of innovative ideas. But as YKom grew, Smith sought out employees who demonstrated commitment to innovation. This hiring focus led to wildly successful products with cutting-edge graphics. With each new and leading-edge product, Smith rewarded the developers with money and public acknowledgement. Over time, it became something of a game: developers continued to push the envelope.

As mobile devices became popular, it was natural for Smith to expand into the apps market – working with developers to help YKom create apps that it would then offer to smartphone users. Smith looked within the company for someone to lead the company in to this new territory and found the perfect person, Shelly Watson.

4. Shelly, Director of Mobile Applications

Shelly Watson worked at YKom for 15 years. She was loyal to Ykom, and she always appreciated the way in which YKom treated its employees. Watson worked her way up from a part-time office assistant to an assistant director of the software development department. She always received the highest reviews from her bosses and coworkers. Throughout her career at YKom, Watson gained experience working in a variety of technological departments.

Five years ago, Smith approached Watson and asked her to move into the brand new app division. Smith told her the reason why YKom wanted her to take the new director position was because she was one of the only employees in the company who could be trusted with such a new and risky idea. He saw great potential for success in the app department as well as a potential for risk. This is why he needed just the right team member to run the new department. Based on Watson's many years of service to YKom, Smith knew she was the perfect candidate for the management position.

Watson accepted the new assignment despite the risk involved in doing so. She was excited to take on this new challenge at YKom, and she wanted to make the new department as successful as all of the other departments. Watson was given great leeway in creating and developing the app department. In many meetings with upper management, Watson discussed the mission of YKom, and

her personal belief that the phone apps should represent the diversity of public interests. They all agreed that the company wanted to cater to conservatives and liberals alike and to people of all races, religions, and creeds. They expected that there would be apps that would seem to be in conflict, such as conservative Christian bible study apps and study guide apps for the Torah or the Koran or apps for how to come out of the closet as a homosexual and fundamentalist Defense of Marriage apps. Watson loved the diversity of thought and the approach the company leadership took toward the app process. At the same time, Watson knew that success depended on the development of applications that were technically compatible with the major operating systems and that were safe to run. She and her team developed an application approval process that ensured that apps would run safely and that consumers had a place to share concerns about technical issues. However, given the company's devotion to innovation and broad content coverage, there were very few content checks.

Shelly was a master at developing relationships. Within just a few years, she had procured contracts with several local and state government agencies for business process applications. In addition, she was able to build relationships with the big application distributors – the Apple Store, the Android Market and others. Her division became well-respected for the technical quality of the apps. YKom apps had fewer “patches” to fix technical problems than apps from almost any other company. The division also was popular with application developers who liked YKom's system because they could share the cost of support people and facilities. In addition, the company's commitment to creativity and innovation allowed them to take risks in the content of their applications.

5. Baby Shaker, The App and the Fall-Out

The Baby Shaker app, subject to headlines as the worst app ever, was created to challenge iPhone users to endure the constant crying of a baby.³⁰ The app's graphics were relatively simple – a number of babies appear drawn in what looked like charcoal outlines. When the app was opened, the baby began to cry. Each baby had a different volume, tone and pitch to its cry. When users no longer could stand the crying, they quieted the baby by “shaking the [phone] until two red X's appear[ed] over the infant's eyes.”³¹ Once the red X's appeared, the player “won” and could choose to play again. The Baby Shaker app made it through YKom's development process and entered the market. The app was determined to be technically sound and safe for running on i-Phones and other mobile devices.

30. CNN, (n.d.), “Dumbest Moments in Business 2009”, retrieved May 24, 2013 from http://money.cnn.com/galleries/2009/fortune/0912/gallery.dumbest_moments_2009.fortune/15.html. See also note 1.

31. Ibid. Apple's iPhone app-development team released this app into the market for purchase in April 2009. After considerable public criticism, Apple removed this app just two days after releasing it and apologized for its initial release.

Within days of its release, a webpage dedicated to reviewing new mobile applications stated, “Maybe it's just us, but we would never even joke about child abuse and use it as a form of entertainment.”³² The founder of The Sarah Jane Brain Foundation, a foundation for children who suffer brain injury as a result of child abuse, stated, “As the father of a 3-year-old who was shaken by her baby nurse when she was only 5 days old, breaking 3 ribs, both collarbones and causing a severe brain injury, words cannot describe my reaction.”³³ Apple removed the product from the Apple Store and issued an apology.

Watson met with Smith and other leaders at YKom to determine what response to make. At that point, it was determined that the company would be best served to not say anything. Apple was receiving most of the media attention. The YKom team decided to wait to see if Apple made any changes to its policies and procedures before initiating any changes of their own.

Unfortunately, within a few months, CNN came out with its list of the “Dumbest Moments in Business” for the year.³⁴ The list included the Baby Shaker app, which it called “the worst app ever.”³⁵ The article noted that the instructions read, “See how long you can endure his or her adorable cries before you just have to find a way to quiet the baby down.”³⁶ The article noted that Apple was very responsive and did not mention YKom at all.

6. The Future of App Policy at YKom

Smith and others, including Shelly Watson, were concerned for the reputation of YKom with Apple and Android. Smith also worried about his legacy – he did not want his company to be a company with a reputation for supporting illegal activity or unethical behavior. At the same time, Smith and others worried that any change in policy would alienate developers who wanted to be able to experiment with cutting edge social issues as well as cutting edge technology. Smith also did not want his legacy to be a company known for its censoring of material, especially given its history as a cutting edge, innovative company. As she got up to go to the meeting with leadership, Shelly pondered all of the different potential outcomes and wondered which would be best for the company.

32. See Arthur, *supra*, note 1 and Krapps.com (n.d.) retrieved May 24, 2013 from <http://krapps.com/2009/04/> (a blog that describes itself as focusing on the lighter and “krazy” side of apps). The webpage for the company that actually developed the baby shaker app stated, “Yes, the Baby Shaker iPhone app was a bad idea. You should never shake a baby! Even on an Apple iPhone Baby Shaking application.” See, Albanesius, C. (2009, April 24), “Apple, Sikalosoftware Apologize for ‘Baby Shaker’ App”, retrieved May 24, 2013 from <http://www.pcmag.com/article2/0,2817,2345893,00.asp>

33. See Albanesius, note 32.

34. CNN, *supra* at note 30.

35. *Ibid.*

36. *Ibid.*

