



children's charities' coalition on internet safety

Marie Southgate
Team Leader
Office of Fair Trading
Fleetbank House
2-6 Salisbury Square
London
EC4Y 8JX

15th November, 2013

Dear OFT,

Children's Online Games

We are grateful for the opportunity to comment on your consultation document concerning Children's Online Games. In what follows we limit our remarks to that class of games which are plainly directed at children, especially very young children, although there may be a need for further discussion in relation to "crossover" points i.e. games which, while not obviously intended for children or very young children, are known to attract or be used by substantial numbers.

1. We entirely endorse the generality of the approach and proposals put forward in the consultation document. In particular we endorse the notion that the commercial intent of a game should be made clear. Even games which ostensibly have an overriding educational or health-oriented purpose can be highly commercial in nature. That in itself is not the issue or a problem, but the potential to mislead a parent or child in relation to it most certainly is.
2. We also agree that the relevant "average consumer" should, for these purposes, be considered to be the child. Even though one would hope and expect a parent to be engaged at the moment of initial sign on it is unrealistic to expect them subsequently to be able to supervise every aspect of a child's play with a game that has been downloaded to a portable device. That is the day to day reality. As much as possible, therefore, the app developers need to be mindful of the importance of spelling out to the intended users, in age appropriate language, all of the consequences of playing a particular game, including the cost.
3. The need for transparency in relation to costs is of paramount importance. For families suddenly to discover that they have to meet a large and unexpected bill on a credit card, or to learn that their current account at the bank has been drained by expenditure made on a debit card, either or both deriving from what they had understood was a "free app" or a low-cost app used by a young family member, can cause considerable distress and hardship within that family. Much of this may focus on a child who innocently believed they were simply having fun.

4. A child, particularly a young child, will not always understand that clicking on a bright shiny button to get a new shield or dragon potion is in fact the same as spending their parents' money. Equally, because of the lack of a clear explanation at sign on parents, in turn, may not have understood that allowing a child to play a "free" game on their iPad or other tablet or device was the same as giving them access to their money.
5. Even where passwords are required to authorise particular downloads typically the same password is required both for free downloads as well as paid for ones. The distinction between the two can therefore become easily blurred. A parent might happily give their child the password to allow them to download free apps without realising they are also giving them the means to download and buy additional material. If the child does not know that downloading is the same as buying it is not hard to see how things can go badly wrong. Several instances of this kind have been reported in the media and are known to us.
6. Is there a case for saying that app developers ought to incorporate two different password routines into their games? One for situations where a download comes at zero cost there and then and where there will never be any charges associated with the app later, and one where some form of payment is required before the download can proceed or where, subsequently, paid for add ons will be available? Such an approach would certainly underline the distinction between the two situations.
7. The language in Principle 2 seems to us to be apposite. However, we have two comments on how its impact might be extended and improved:
 - a. "Information about the main characteristics of the game" should include references to any safety concerns or features. Specifically it should include any available information on the age rating of the game. Is there a case for adumbrating various rules or principles by reference to the PEGI system?
 - b. "Information about the main characteristics of the game" should also indicate if there is any "social" element to it i.e. does a game or might it allow or enable players to interact with strangers or third parties and, if so, under what conditions? What are the default settings in respect of this aspect and how they might be altered?

It would be odd, verging on bizarre if, in commenting on games aimed at children, including very young children, in commenting on games which are known to have a large or at any rate significant internet or online component attaching to them, no reference was made to the overarching importance of child safety. That would be rather like allowing sweet fizzy drinks or tobacco to be sold without a health warning.

In our view this aspect of child welfare policy should rank as being of equal importance to any and all other principles pertaining to the sale or use of games by children. If the OFT feels it lacks the legal powers to incorporate such a statement in a way that makes it enforceable by them or others it should urgently seek the powers necessary to enable it so to do or find another solution which will lead to the same end result.

Yours sincerely,

John Carr OBE
Secretary
Children's Charities' Coalition on Internet Safety
10, Great Queen Street, London WC2B 5DD
chisgb@outlook.com
www.chis.org.uk