



The Honorable Rohit Chopra, Director
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

Via electronic delivery

19 September 2024

Subject: Alert to the Consumer Financial Protection Bureau (CFPB) about unfair commercial practices in the video game industry

Dear Director Chopra,

We are writing to you on behalf of the Transatlantic Consumer Dialogue (TACD) to bring your attention to several unfair and deceptive commercial practices used by leading video game companies (Activision Blizzard, Electronic Arts, Epic Games, Mojang Studios, Roblox Corporation, Supercell, and Ubisoft) marketing popular games (such as Fortnite, EA Sports FC 24, Minecraft, Clash of Clans, and others) affecting millions of consumers. Twenty-three consumer organisations in Europe have recently raised this issue with their respective authorities¹, and we believe that these practices merit agency action within the U.S.

Specifically, we have reason to believe that consumers fall prey to several unfair and deceptive practices when buying premium in-game currencies in video games, and that traders fail to provide consumers (in particular children) with safe online environments. As documented in a CFPB report, many video game systems have deeply embedded virtual currency systems within the game.² These virtual currencies are linked to tactics that harm consumers, such as preventing users from seeing the real-world cost of digital items, leading them to overspend within the game; cloaking in-game purchases and currency use in manipulative language (“keep playing for \$2.99,” “unlock upgrades with Robux,” etc.); and preventing or making it prohibitively challenging for consumers to exercise rights around in-game currencies, such as refunds and exchanges.³ We thank the CFPB for monitoring gaming markets and recently warning consumers about the potential harms of in-game currencies, design tricks, and limited recourse options.⁴

All of these practices increase in risk since these games have a high user demographic of children who are even more susceptible to manipulation. As we informed the Federal Trade Commission (FTC), we believe that these practices constitute unfair practices under Section 5 of the FTC Act (15 USC 45). The deceptive design (dark patterns) and manipulative language that these companies use to obfuscate the true costs and risk of these virtual currency purchases constitute a practice likely to cause substantial injury to consumers not reasonably avoidable.⁵

As the CFPB continues its monitoring activities, we urge you to protect gamers from unfair, deceptive, or abusive acts or practices and to work with other agencies to ensure the implementation and enforcement of applicable laws concerning these practices, as well as issues related to data security, fraud, and privacy,

¹ <https://www.beuc.eu/game-over>

² CFPB, [Banking in video games and virtual worlds](#), 4 April 2024.

³ See, e.g., *Consumer Spending on Gaming Loot Boxes and Currency Packs Worldwide from 2020 to 2025*, Statista (May 2021), <https://www.statista.com/statistics/829395/consumer-spending-loot-boxes-skins/>; *Money in Video Games: It’s Virtually Everywhere!*, Northbrook Bank (July 2023), <https://www.northbrookbank.com/small-business/resources/financial-education/2023/07/money-in-video-games-its-virtually-everywhere.html>;

⁴ CFPB, [Consumer Advisory: Video games are targeting your children to get into your wallet](#), 28 August 2024.

⁵ See 15 U.S.C. Sec. 45(n).

which the CFPB also identified in its report.⁶ We welcome the opportunity to discuss this matter further and are available to provide any additional information or answer any questions you may have.

Sincerely,

Finn Lützow-Holm Myrstad

Director of Digital Policy, Norwegian Consumer Council
European Co-Chair of TACD's Digital policy committee

Calli Schroeder

Senior Counsel and Global Privacy Counsel, EPIC
U.S. Co-Chair of TACD's Digital policy committee

c/c:

- Erie Meyer, Chief Technologist, Consumer Financial Protection Bureau

Annexes:

- [Report](#) - Game OVER: Consumers fight for fairer in-game purchases (September 12, 2024) - A legal assessment of premium in-game currencies from a consumer law perspective.
- Annex I - Traders in-game purchasing processes with their premium in-game currencies
- Annex II - Unfair terms and conditions applied by game companies waiving consumer statutory rights or allowing them to "personalize" or "customize" consumers gaming experience.
- [Report](#) of Forbrukerrådet (the Norwegian Consumer Council) - GET PLAYED, The true cost of virtual currency.

⁶ See Note 2.