

## **DECISION**

### **FIRST INSTANCE JURY**

Complaint by	Consumers
EASA Cross Border Complaints System	Forwarded to CARO by the UK Advertising Standards Authority (ASA, <a href="http://www.asa.org.uk">www.asa.org.uk</a> ) <b>EASA CBC Cases 6377, 6379</b>
Advertiser	Wargaming
<b>Issue / Complaints</b>	<b><u>EASA CBC 6377</u></b> “Wargaming claims here Summersale, with huge discounts, but you have to buy the summer sale coins first to get the refund. <a href="https://forum.worldofwarships.eu/topic/153070-summer-sales/">https://forum.worldofwarships.eu/topic/153070-summer-sales/</a> <a href="https://www.youtube.com/playlist?list=PLW9RpPaFFdQ3EXit9xMR-HYq90U6eU4PN">https://www.youtube.com/playlist?list=PLW9RpPaFFdQ3EXit9xMR-HYq90U6eU4PN</a> <a href="https://worldofwarships.eu/en/news/sales-and-events/summer-sale-0106/">https://worldofwarships.eu/en/news/sales-and-events/summer-sale-0106/</a> When taking a look at the premium shop, the coins to get the discount have to be bought.” <b><u>EASA CBC 6379</u></b> “The online videogame World of Warships, developed and published by Wargamint.net has a new summer “sale” event. In the event, random chance lootboxes can be exchanged at a “discounted” price for a temporary currency - "Summer Tokens". These Summer Tokens can be won by playing the game, but are also available in bundles containing the game's premium currency, "doubloons" which are available for purchase in their Premium Shop for GBP. The complaint is in the advertising of said loot boxes. They are listed as discounted but were never on sale at full price. ... they've been listed as discounted and on sale from the beginning. To the best of my knowledge this is against the ASA standards and is thus potentially illegal here in the UK.”
<b>Decision issued</b>	<b>Tuesday 28 September 2021</b>

**Advertiser’s Response:**

«The users’ complaints relate to ‘Summer Sale’ in-game event that took place from 6 through 20 August 2021. Consumers complain about the fact that items offered at a discount during the event could have only been bought with the event currency - Summer Tokens, and not with the primary premium currency of the game – doubloons.

However, Wargaming’s position is that the event discounts comply with the Cyprus Advertising Code, because they provided a real saving to users that was at least as significant as claimed in the event descriptions. We would also like to note that none of the consumers claims that he/she was misled, deceived, or that they suffered any damage; nor did they request any refund or compensation.

Below we describe the offers in question and demonstrate why the users’ saving is real.

**Sequentially Available Bundles**

Users were offered the so-called Sequentially Available Bundles – a chain of 8 items that could be bought one after another.

All items in the chain were sold for the event currency - Summer Tokens (“**Tokens**”), that user could receive in one of two ways: (i) earn it in the game during the event or (ii) receive it as a bonus when buying event bundles with doubloons.

**Discounts**

The bundles were shown as being sold at a discount: the purchase page depicted the full price that was crossed out, and next to it - the discounted price available to the user (see the screenshot below).



Both users' claims arise from the fact that the discounts are given to purchases that are made with Tokens. One claim also points out that the items offered in bundles were not previously offered for Tokens, so there can be no discount.

However, if we look at the offers of the Sequentially Available Bundles, we will see that the discounts are real as they enable the user to save at least the percentage shown at the respective purchase page.

**What is the “full price”, against which the discounted price is compared?**

The “full price” crossed out at the purchase page equals the price of the same bundle in doubloons.

This is because Tokens used to buy the bundles have the same value as doubloons (and possibly even less value, making the offers even better for users). This can be demonstrated by:

First, by purchasing power in this event Tokens are equal to doubloons, which is evidenced, for instance, by the fact that (i) both 1 token and 1 doubloon can be exchanged for exactly 1500 units of the game's “soft currency” – credits; and (ii) game items when offered in the event without discount, had the same price in doubloons and in Tokens (e.g. see Distant Voyages containers in the screenshot in the next section).

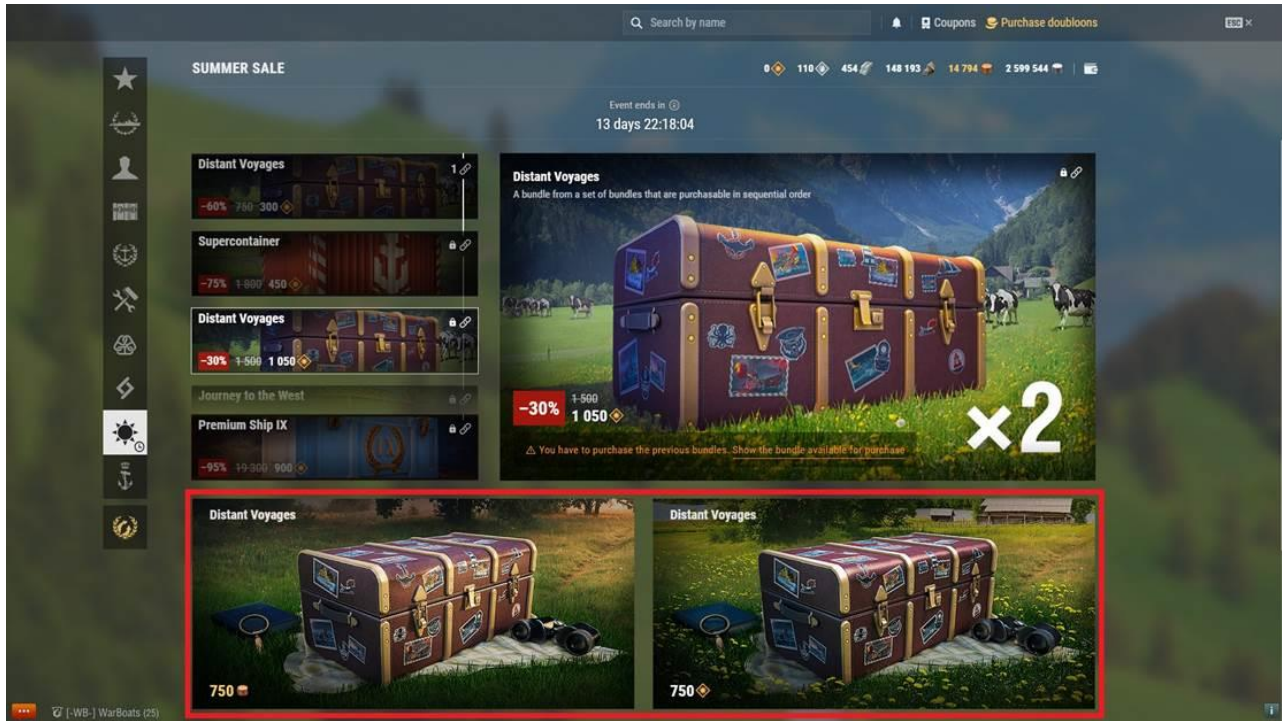
Second, if we look at their price for the user in real-world money, we will see that Tokens are virtually free, because they are either earned via gameplay or received as a free bonus to doubloons purchases. A simple comparison of the price of doubloons in our online shop with the price of “doubloons + Tokens” bundles shows that Tokens were added without any price increase.

Thus, Tokens are free, or at the very least cheaper for the user than doubloons.

**What is the “source” of the price of the bundles in doubloons?**

The prices of bundles in doubloons, against which the discounts were shown, were not arbitrary, but based on currently or previously available prices of the bundles themselves or of their content, in particular:

2 bundles are “Distant Voyages” containers that were available at these prices in the online shop during the whole event (see screenshot below):



3 bundles are “Journey to the West”, “Black Friday” and “Halloween” containers that were previously available at this price in doubloons in our shop (e.g. see screenshot below):





Finally, 3 bundles are “Premium Ship VII”, “Premium Ship IX” containers and “Supercontainer”. While containers (i.e. loot boxes) of this particular composition were not available previously in our shop for doubloons, but the value of their content (i.e. ships, items for ships, in-game currencies etc.) can be easily estimated either based on the price this content was previously available for (in real money, doubloons, other in-game currencies) or based on the value of other game items which this content (e.g. game currencies) could be exchanged for. The containers did not introduce any new content to the users, the price of which could not be estimated based on our previous offers.

The price of the containers was calculated based on the prices of its content and its drop probabilities. For instance, the cheapest ship that could have been received from a “Premium Ship IX” container was 19300 Doubloons, and the price of the whole container was set at this level. The user, however, could receive the container for just 900 Tokens, which meant a 95% saving (if we have in mind that 1 doubloon equals 1 Token).

To sum up, *everything that could have been received via the Summer Sale bundles had been earlier available to users. As a result, we have assigned doubloon prices to containers and applied the discounts against such prices, based on a 1:1 relationship between doubloons and Tokens.*

### **Conclusion**

Considering the value of Tokens, which is the same as or lower than that of doubloons, the Summer Sale enabled users to receive the content of discounted bundles for less than could otherwise - if they were spending real-world money on doubloons. The amount of saving was at least the percentage that we showed in the bundle descriptions. We believe the users were in no way misled regarding the benefit the event provided and the info on discounts was correct.»

### **Jury Assessment:**

1. The jury carefully considered all the information presented to them and notes the following points:
2. This was the first time to introduce summer tokens for the summer sale, although at other times special currencies had been introduced.
3. The most expedient way to acquire summer tokens was via the purchase of the in-game currency itself. In fact, the only way summer tokens could be bought was as a bonus to the purchase of doobloons. The example provided at the hearing was that, with a purchase of 10000 doobloons, the user received an additional 10% bonus of summer tokens, i.e. 1000 summer tokens, for no extra cost.
4. The jury notes that the "reference price" provision mentioned by the consumer in complaint 6379, is not applicable at present in Cyprus. We have been informed that the provisions of EU directive 2019/2161, which stipulate for a prior price applied by the trader during a period of time not shorter than 30 days before the application of the price reduction, are in the process of being transposed in Cyprus law, but that is not yet the case.

5. The issues the consumers set are twofold:
6. The first complaint centers on the question whether it should be allowed to proclaim a sale, when the currency of the sale is different than the game currency and the sale currency itself has to be purchased. The jury, however, notes that the sale currency was not available for purchase in and of itself. It was given as a free bonus to a doobloon purchase, hence could be considered as an additional benefit to the consumer.
7. The second issue was whether the 8 bundles comprising the summer sale had previously been on offer at a non-discounted price. The jury understands that, in terms of price comparison, the 8 bundles fall into 3 different categories.
  - A) Two of the bundles, namely the "Distant Voyages" bundles, were not previously available at the pre-sale price, but were concurrently available at the non-sale price, during the summer sale. The jury was informed that more "Distant Voyages" bundles were sold at the non-sale price from 6-20 August, than bought with summer tokens. The jury also notes that these bundles were withdrawn immediately after the sale, both as summer sale offerings and as non-sale items.
  - B) 3 bundles, namely "Journey to the West", "Black Friday" and "Halloween" containers, were previously available at a non-discounted price in doubloons in the shop.
  - C) Finally, there were 3 other bundles -namely "Premium Ship VII", "Premium Ship IX" containers and "Supercontainer". While containers (i.e. loot boxes) of this particular composition were not available previously in the shop for doubloons, Wargaming considers them to be on sale because the value of their content (i.e. ships, items for ships, in-game currencies etc.) can be easily estimated either based on the price this content was previously available for (in real money, doubloons, other in-game currencies) or based on the value of other game items which this content (e.g. game currencies) could be exchanged for. The price of the containers was calculated based on the prices of its content and its drop probabilities.
8. The jury is skeptical as to the use of the word "sale" to describe this rather complex mechanism which combines a new event currency, items that were not previously on sale but concurrently available at a non-sale price and subsequently withdrawn, items that were discounted but the reference price is anchored at a potentially distant point in time (e.g. Halloween), and also items that were packaged specifically for this summer sale event. To that end, although not technically in breach of the Cyprus Advertising Code, it would strongly recommend the use of a different word to describe this in-game offering.