

## **DECISION**

### **FIRST INSTANCE JURY**

Complaint by	Two 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 4578, 4597</b>
Advertiser	Nexters Global Ltd, CY Company Reg. No. HE 257099
Issue	Consumers who filed the complaints believe advertisements for the Hero Wars Game are misleading because they do not accurately reflect the game being advertised.
Discussed on	Thursday 19 December 2019
<b>Decision issued</b>	<b>Thursday 9 January 2020</b>
First Instance Jury	Olga Papastavrou / Cyprus Communication Agencies Association - President Chryso Poullikka / Cyprus Advertisers' Association Maria Kodjamani / Media Maria Kyriakidou Karmioti / Independent Member Marianna Charalambous / Independent Member

#### **Issue:**

The consumers who filed the complaints believe advertisements for the Hero Wars Game are misleading because they do not accurately reflect the game being advertised.

#### *More specifically, Complainant 1 stated:*

«The mobile android game advertises itself on Facebook, Instagram and other social media platforms via a video showing it to be a logic puzzle stating "How to save the princess", where it shows itself to be a game where you try and solve a puzzle to free a princess from a precarious position. However, the game itself is nothing like this at all, and is instead a game where you collect "heroes" and level them up to battle other heroes, and does not contain anything to do with what it is advertising. This is false advertising and the company should respect UK law in this regard. There are numerous comments and reviews on the Google Play store that have stated they only downloaded the game due to these adverts, and were massively disappointed when the game was nothing like it was advertised.»

#### *Complainant 2 stated:*

«The Hero Wars "game" has a prolific advertising scheme, with a range of adverts each depicting the same gameplay style - a hero, a section filled with loot, and a puzzle for how the hero will reach the loot safely. Some adverts also show a "princess" who is potentially endangered by traps within the puzzle. Some adverts indicate the target audience can "try" the puzzle, but there is no interactive element to the video adverts.

The extensive range of adverts can be found at:

[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=GB&q=Hero%20Wars&view\\_all\\_page\\_id=1574763202824851](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=GB&q=Hero%20Wars&view_all_page_id=1574763202824851)

The adverts are consistent and show a series of puzzle situations with no obvious solution - indicating that the “player” must interact with the puzzle in such a manner to enable the “hero” to access the loot, without being fatally injured by the traps. Upon downloading the game, the target audience will unfortunately discover that there are no such puzzles within the actual game, and it is just a clone variant of a typical character levelling/fighting/war strategy building game.

These advertisements are serially targeting individuals with deliberately misleading content with a “bait and switch” style pitch that has caught out many prospective players who believed they would be getting the game advertised. Further evidence of this can be found at the play store link for the game in question:

[https://play.google.com/store/apps/details?id=com.nexters.herowars&hl=en\\_US](https://play.google.com/store/apps/details?id=com.nexters.herowars&hl=en_US)

The countless reviews from various members of the public highlight how frequently the adverts have mislead people into downloading the game only to find it is something completely different.»

### **Summary of Advertiser’s Response:**

«As for the adverts in the attachment. Most of them are not used anymore. The puzzles contained therein were abandoned on the end-development stage due to the reasons we mentioned before.

The adverts that are currently on air contain the puzzles that do exist in the game right now or will be there soon. As we have mentioned previously, these mechanics are in active phase of its release. Please find the attached screenshot of Facebook’s ads library in its current state. You may also check the page by using this link:

[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=all&country=GB&view\\_all\\_page\\_id=1574763202824851](https://www.facebook.com/ads/library/?active_status=all&ad_type=all&country=GB&view_all_page_id=1574763202824851)

As for the essence of the game:

Hero Wars is referred to by the marketplaces as Role Play Game (RPG) and Adventure. It is not an uncommon practice that such games include certain puzzle mechanics in order to complete quests or gain additional in-game values. All our puzzles are strictly related to the in-game characters and help new players to be more acquainted with them. The mechanics is supposed to be a part of the game’s tutorial. However, we have taken into consideration your opinion on accurate representation of the ads. We are quite disappointed that some players took a controversial feeling on the mechanics in question. As a cure of the issue, we propose to make a text notice specifying that the puzzle presented in the advert is a part of the game’s tutorial and may not represent the full gameplay.

Regarding the disclaimer for adverts that contain puzzles not currently existing in the game. We propose to attach them with the following text: **ATTENTION. These mechanics may appear in the game from time to time and it is not guaranteed that you will meet the particular one.**»

### **Jury Assessment:**

1. The jury considered all the information presented to them. It downloaded and reviewed the game itself and played it to understand gameplay, it reviewed the puzzle advertisements complained of, the puzzle advertisements Nexters informed us are in use at present, the comments made by users on Playstore regarding the puzzle advertisements and the replies supplied there on occasion by Nexters, as well as the video on youtube about [“How to find Puzzles | Hero Wars”](#) and the comments there.
2. The jury is of the opinion that the advertisements which include puzzles (including the ones currently on air) are not reflective of the game and do mislead interested gamers of what the game is all about. The inclusion of a caveat as the one suggested by Nexters (*“ATTENTION. These mechanics may appear in the game from time to time and it is not guaranteed that you will meet the particular one.”*) cannot make up for the fact that the game advertised is simply not about puzzles.
3. Given the above, the Jury is of the opinion that the advertisements of the game to date which show puzzles are in breach of:
  - **Article 3 (b)** of the Code of the Cyprus Advertising Regulation Organization [*“Relevant factors which may affect consumers’ decisions should be communicated in such a way and at such a time that consumers can take them into account”*]
  - **Article 5 (b) (i)** of the Code [*“Marketing communications should not contain any statements/claims or visual presentations or audio elements which, directly or indirectly, or by implication, omission, ambiguity or exaggeration, may mislead the consumer, in particular with regard to:
    - i. the characteristics of the product, such as: nature, composition, method and date of manufacture, suitability for purpose, range of use, efficiency and performance, quantity, commercial or geographical origin, environmental impact;”*]

They should therefore be withdrawn and/or amended **within 5 working days** from the dispatch of this decision. Please note that, for the purpose of assessing the deadline, count begins the working day following the dispatch of this email.

Exercising its right, the jury shall review and approve the new proposed advertisements before the latter are aired to ensure compliance. The decision on compliance will be taken within two working days of the receipt of the proposed changes. To assist in this process, please note that the jury is of the opinion that the advertisement at <https://www.youtube.com/watch?v=AVi7faC6a6A&feature=youtu.be> is on the right track.