

# **DECISION**

## **FIRST INSTANCE JURY**

Our Reference	<b>EASA CBC Case 7144</b>
Complaint by	Consumer
EASA Cross Border Complaints System	Forwarded to CARO by the UK <a href="#">Advertising Standards Authority</a> (ASA)
Advertiser	AppQuantum Publishing Ltd, HE 394014
<b>Decision issued</b>	<b>Friday 10 January 2025</b>

### **Issue / Complaint CBC 7144**

"The advert showed game play which is completely different to the actual gameplay. The advert clearly suggested that the game (in its entirety) would involve a character harvesting gold from a free-roam area in order to move to the next levels. All levels would be based on this style of play.

The actual game play is very different - a much more static gameplay that takes hours and hours (unless you watch many many adverts) with a short (30s) connecting level that is marginally similar to the advert.

The advert is extremely misleading at best and at worst just a mechanism to get you to play a game that takes so long to complete it you feel forced to watch more adverts just to make progress through it. The advert is in no way transparent regarding game play. I have supplied a screen shot of the original advert suggesting that you move around collecting gold in 'trucks' and also a screenshot of the actual game play which is completely different."

### **Advertiser Reply:**

"We appreciate the opportunity to address the concerns raised regarding the advertisement for our mobile game, **Gold and Goblins**. We take our obligations under advertising standards very seriously and are committed to ensuring that our promotional materials are clear, truthful, and not misleading.

After thoroughly reviewing the complaint and cross-referencing it with the advertisement and gameplay in question, we respectfully submit the following clarifications:

## 1. Gameplay Elements and Representation in Advertisement

The advertisement in question showcases a gameplay mechanic where players collect resources, such as gold, to progress through levels. This mechanic is indeed a part of the game, as confirmed by the attached screenshots. The advertisement reliably conveys the core feeling of gameplay without deceiving the user. Specifically, the game focuses on collecting resources, optimizing processes, and automating production — all of which are accurately reflected in the advertisement.

While resource collection is a key feature, the game also includes other elements, such as strategic planning, static progression phases, and interactive challenges. These slower-paced features are integral to the game's overall design and have been well-received by many players who appreciate the relaxing and methodical gameplay style.

The advertisement emphasizes an engaging aspect of the gameplay to capture attention but remains consistent with the game's nature as a whole. It does not misrepresent the game's features or overall experience.

## 2. Compliance with Advertising Standards

We understand that misleading advertising, as defined by the relevant standards, occurs when:

- An advertisement creates a false impression about a product or service's nature, purpose, or features.
- Significant information is omitted, causing the consumer to form an incorrect understanding of the product.

In this case, the advertisement does not create a false impression. Instead, it highlights one aspect of the gameplay in a way designed to resonate with potential players. While the pace and gameplay variety evolve as players progress, the core mechanics depicted in the advertisement are representative of in-game activities, confirming consistency between the advertised and actual product.

## 3. Positive Reception of Gameplay by Users

Gold and Goblins has been designed to offer a relaxing, slow-burning experience that caters to a wide audience. This gameplay style has been well-received, as evidenced by our **high ratings on the App Store**, reflecting strong user satisfaction with the game's design and pace. Many players find this slower progression enjoyable, contributing to the game's popularity and positive feedback.

## 4. Commitment to Transparency

We are committed to ensuring that our advertisements remain transparent and accurately convey the product's nature. While the advertisement in question focuses on a particular gameplay element, we do not believe it misleads or overstates what players can expect from the full game. However, we acknowledge the complainant's perspective and will continue to review our advertising materials to ensure clarity and alignment with best practices.

We hope this response addresses the concerns raised and demonstrates our commitment to maintaining compliance with advertising standards. If CARO requires additional information, we would be happy to provide further details or discuss this matter further.

Thank you for your attention and for facilitating open dialogue on this matter.”

**After a preliminary review of the case, the Jury requested additional information.** More specifically, the jury requested the following:

- All advertisements aired between September and October 2024
- Description of the game sequence and play and an estimate of the % -in terms of time for the average user- that is taken up by the harvest which as the jury understands is the advertised part.

The company replied as follows:

“We understand the importance of transparency and consumer trust in advertising and appreciate the opportunity to clarify the matters raised.

### **1. Advertisements Aired (September - October 2024)**

From September to October 2024, more than **600 unique ad creatives** were aired across multiple platforms. Given the scope and volume of these ads, it is not feasible to collect and organize every single one within the given timeframe.

However, to facilitate the jury’s review, we have collected and provided **all new ads launched in the UK in September 2024**, totalling 80 unique advertisements. ...

### **2. Description of Gameplay**

Gameplay in Gold and Goblins is centred on four main activities:

1. **Resource Harvesting:** The player collects resources (gold) to progress. Early levels feature significant manual harvesting, similar to the “truck collection” seen in our ads.
2. **Idle Progression:** After an initial phase, progression occurs passively, which is standard for “idle clicker” mobile games.
3. **Upgrades and Automation:** Players can upgrade goblins, mines and machines, automating certain aspects of gameplay.
4. **Strategic Decision-Making:** Users must make tactical choices on resource allocation. Players are required to make key choices about how to merge goblins (which are responsible for collecting resources) and when and where to place them for maximum efficiency in resource collection.

### 3. Time Spent on Harvesting

The time spent on harvesting varies depending on the stage of gameplay. In the early stages, harvesting constitutes approximately **10-15% of the overall gameplay time**. As players progress, the reliance on manual harvesting decreases as automation and idle mechanics become more prominent, allowing for a more balanced distribution of gameplay activities.

We remain committed to ensuring our advertising aligns with regulatory standards. If the jury requires further clarification, or if more information is needed regarding specific ads or gameplay details, we are happy to provide it.”

### **Jury Assessment:**

1. The jury carefully considered all the information presented to them, including the video materials that were submitted.
2. The jury understands that the overwhelming majority of the videos submitted focus entirely and/or show some kind of harvesting with some kind of vehicle. Furthermore, the jury notes the statement that harvesting constitutes approximately 10-15% of the overall gameplay time in the early stages and that percentage actually decreases over time.
3. Given the above, the jury finds the presentation of the game in the advert may mislead the average consumer and is therefore in breach of **articles 3 and 5(a) and (b)(i)** of the Cyprus Advertising Code.
4. Amendments should be made **within 5 working days** of the dispatch of this decision. Please note that, for the purpose of assessing the deadline, the count begins the working day following the dispatch of this decision.

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Appeal to the Review Jury is provided for in the Regulations of the latter (Article 1). A review request is made in writing with reference to the initial complaint and the decision of the First Instance Jury, within 15 working days from the dispatch of the decision of the First Instance Jury to the parties involved.

Please note that filing an appeal does not suspend the decision of the First Instance Jury; the Review Jury will not discuss cases if there has been no compliance with the decision of the First Instance Jury by the party filing the appeal.