



CYPRUS ADVERTISING  
REGULATION ORGANIZATION

## DECISION

### FIRST INSTANCE JURY

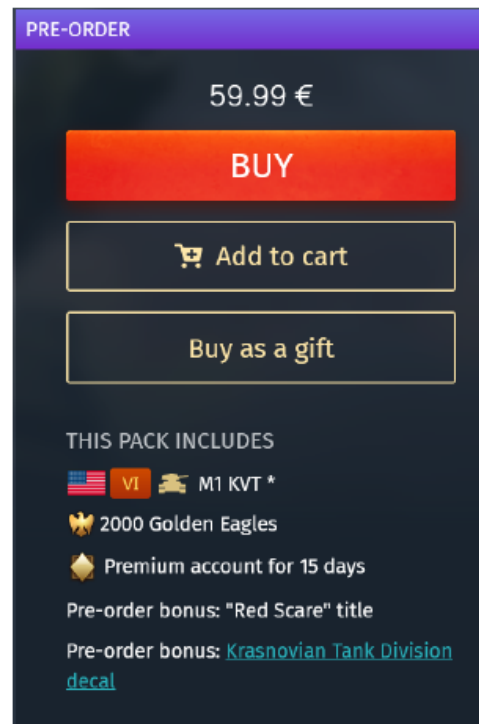
Our Reference	<b>EASA CBC Case 6746</b>
Complaint by	Consumer
EASA Cross Border Complaints System	Forwarded to CARO by the UK <a href="#">Advertising Standards Authority</a> (ASA)
Advertiser	Gaijin Network Ltd / War Thunder game
<b>Issue / Complaint</b>	"A virtual good by Gaijin Entertainment for the video game War Thunder is being advertised with a star/value system. However, the good is not yet released to be rated on ( <a href="https://store.gaijin.net/story.php?title=Pre-order_M1-KVT-Pack">https://store.gaijin.net/story.php?title=Pre-order_M1-KVT-Pack</a> ). I believe this to be misleading to potential customers and meets the standard of complaint."
<b>Decision issued</b>	<b>Thursday 15 June 2023</b>

#### **Advertiser's Response:**

1. «Gaijin Network Ltd (hereinafter, the **Company**) received the complaint regarding the pack of in-game items "Pre-order - M1 KVT Pack" for War Thunder video game available at: [https://store.gaijin.net/story.php?title=Pre-order\\_M1-KVT-Pack](https://store.gaijin.net/story.php?title=Pre-order_M1-KVT-Pack) (hereinafter, the **Pre-order Pack**).
2. The Complainant alleges that the listing of the Pre-order Pack with the star rating from users is misleading and violates the provisions of Cyprus Advertising Code (Articles 1, 3, 5, 8, 13).
3. The Company submits that the offer of the Pre-order Pack is compliant with applicable advertising regulations as the rating refers to the set of five items, most of which are available immediately after a purchase, and all the votes are substantiated with actual ratings from the customers.

**1. Pre-order Pack includes a set of in-game items, most of which are available immediately after a purchase is effective**

4. The Pre-order Pack in the offers in dispute is a set of in-game items for War Thunder game for the price listed:
- (i) M1 KVT tank \* (not immediately available for use in the game, but will become available from the launch date of the respective major update – June 13, 2023);
  - (ii) 2 000 Golden Eagles (the premium currency in War Thunder that can be used to purchase additional content);
  - (iii) Premium account for 15 days;
  - (iv) Pre-order bonus: “Red-scare” title;
  - (v) Pre-order bonus: Krasnovian Tank Division decal.



5. For War Thunder game store, pre-orders usually appear at Store.Gaijin.Net in relation to new vehicles which are planned for the launch in the game in the next major update.
6. War Thunder is a free-to-pay online videogame dedicated to aviation, armored vehicles, and naval vessels from the early 20th century to the most advanced modern combat units. The game is available for computers (Windows, Mac, Linux), game consoles (PlayStation, Xbox, Oculus, VIVA), and at gaming platforms (Steam, etc.)<sup>1</sup>. The game was first launched in 2012 and is constantly updated not only with technical improvements, but also with new vehicles. New vehicles are introduced in regular major updates<sup>2</sup>.
7. Vehicles which are included in a respective major update, are announced beforehand, but are not available in the game before the update is live. For those players who want to have a new vehicle in the game right after the major update was released, the Company offers pre-orders.
8. M1 KVT tank is included in the next major update planned for June 13, 2023. For those users who purchased the Pre-order Pack, it will be available in the game immediately after the launch of the update.

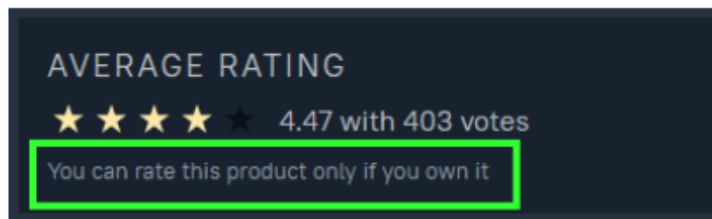
<sup>1</sup> Website of the game: <https://warthunder.com/>

<sup>2</sup> More information on major updates available here: <https://wiki.warthunder.com/Category:Updates>

9. This is clearly stated in the offer at Store.Gaijin.Net<sup>3</sup>:
  - (i) the offer is named “Pre-order”, unequivocally stating that it is not fully available from the moment when the purchase is finalized;
  - (ii) the offer contains the description of the whole pack of the in-game items included in the pack;
  - (iii) M1 KVT is mentioned in the list with a \*-reference to the footnote, and this footnote is placed right after the short description of the tank;
  - (iv) the footnote “\* - *available after the next major update*” is written in plain language, in the same font and size as the description of the offer.
10. These factors altogether lead to that a consumer reasonably should be aware that the tank would be available later.
11. However, this tank is the only item out of five in the Pre-order Pack which cannot be used in the game right after the purchase is effective. All the other in-game items add to the user’s War Thunder account immediately after the purchase. All these in-game items can be used in the game separately, even before the major update and thus the launch of the tank.

**2. Star rating refers to the whole Pre-order Pack, not any particular item, and represents users’ satisfaction with the whole pack**

12. Every item available at Store.Gaijin.Net offers an opportunity for customers to rate a purchase. The rating system is of five stars with a half-star breakdown, meaning that a customer can give from 1 to 10 points (half-stars).
13. The rating for the Pre-Order is available for a customer only after they purchase the Pre-order Pack. A customer who does not own the Pre-order Pack cannot rate it.



14. The star-rating is offered to customers to rate how satisfied they are with a particular item purchased at Store.Gaijin.Net. There is no general rating available there on the experience with the store, the videogames or all the in-game items offered for the game.
15. The rating at the Pre-order Pack refers to the pack as a whole, with all five items included there. There is no indication that the rating may refer to any single item included in the pack.

<sup>3</sup> Please refer to Exhibit 1 with the screenshots of the offer for the Pre-order Pack.

16. A customer who purchased the Pre-order Pack may rate how satisfied they are with the content of the pack, and the in-game items which are already available for the use in the game.
17. Moreover, the rating which appears on the web page is dynamic and shows the actual average rating at the moment. The specification of all the votes received up to June 8, 2023 is attached hereto<sup>4</sup>.
18. Thus, the star-rating available for the Pre-order Pack is representative, does not contain any misleading information and is substantiated with the customers' votes.

### **3. The star rating for the Pre-order Pack would not affect the rating of M1 KVT tank once it is available in the Game**

19. The Company differentiates pre-order packs with vehicles before their launch and the offers with these vehicles when they are already available in the game. They are treated as different units with separate ratings.
20. In this particular case, M1 KVT tank is still not launched in the game, so Pre-order Pack is now available for purchase. However, after the major update to War Thunder (planned for June 13, 2023) the Pre-order Pack will no longer be available and will be delisted from Store.Gaijin.Net.
21. The new item, M1 KVT Pack will appear in the store. The content of the new pack will be different from the Pre-order Pack<sup>5</sup>. In this new offer no pre-order bonuses will be available.
22. Since the content of these two offers is different, the rating for the new pack after the launch of M1 KVT tank will start from zero. No votes from the Pre-order Pack will be transferred to the new offer.
23. Thus, the rating of the Pre-order Pack where the customers were not able to test the new M1 KVT tank, will not affect the rating of the new pack where the tank is immediately available for use in the game.
24. The offer for Pre-order Pack offers a good-faith rating system which offers customers to rate the special limited offer, but not the tank which is not available in the game yet. The rating is substantiated with the rates from customers who purchased the Pre-order Pack.
25. Thus, the Company has not violated the advertising principles and requirements of Cyprus Advertising Code. »

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<sup>4</sup> Please refer to Exhibit 2 with the list of the received votes.

<sup>5</sup> Please refer to Exhibit 3 to see the comparison of the Pre-order Pack with the future M1 KVT Pack.

### **Jury Assessment:**

1. The jury carefully considered all the information presented to them.
2. The jury starts from the premise that information presented in commercial communications should be clear to the average consumer,
3. In our experience of how consumers ordinarily interact with websites and games, they do not generally read the information presented in its entirety. Moreover, their perception of ratings usually refers to ratings of items and/or services *experienced*, rather than *anticipated*.
4. Gaijin explained that in essence the War Thunder game has two sets of consumer ratings. One rating is for *Pre-order Packs* which usually include items that are immediately available (e.g., game currency, access to premium account etc.), items (e.g., tanks/vehicles) that are available after an update and items that are pre-order bonuses. The second rating is for the pack actually available after the pre-order period, which usually includes the tank/vehicle and items such as in game currency, etc. The fact that these ratings are separate is clear from the fact that once the pre-order period is over, the rating count goes back to zero and starts over.
5. The jury notes, however, that this difference *is not immediately clear to the consumer eye*. The visual presentation of both ratings is exactly the same, and the asterisk disclosing the fact that in the pre-order pack the tank is not yet available, is not in direct proximity with the ratings box.
6. Given the above, the Jury finds that the presentation of the ratings for the pre-order pack may mislead the consumer. To that end, the Jury suggests that the pre-order pack rating should be qualified with a statement such as the following ("Rating refers to the entire pack at pre-order phase. Tank will be available after the next major update"), placed in close proximity to the ratings box.
7. The current presentation of the pre-order pack rating is in breach of **articles 3 and 5(b)** of the Cyprus Advertising Code. 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.