

Digital, Culture, Media and Sport Committee
Immersive and addictive technologies
19 June 2019

Witnesses:

- Shaun Campbell, UK Country Manager, Electronic Arts (EA)
- Kerry Hopkins, Vice President, Legal and Government Affairs, Electronic Arts (EA)
- Matthew Weissinger, Director of Marketing, Epic Games
- Canon Pence, General Counsel, Epic Games

Overview

The computer game Fortnite is not addictive and Prince Harry was wrong to say it is, representatives from the game's developer told MPs. Panellists told the committee that the computer games they produce do not have a negative impact on users' mental health, and they cast doubt on the World Health Organisation's definition of "gaming disorder". They insisted that their games are not designed to keep players playing for extended periods of time and said that parental controls are in place in order to help control children's usage. Several MPs grew frustrated with the representatives from Epic Games, the makers of Fortnite, for failing to answer questions, with one MP accusing them of being "evasive". Witnesses also discussed in-game payments, the "online harms" white paper, data sharing, and concerns about online grooming. The representatives from Epic Games denied allegations that employees at the company have been forced to work 100-hour weeks.

Prince Harry Fortnite comments

Canon Pence, General Counsel, Epic Games, said Prince Harry was wrong to describe the game Fortnite as addictive. He said that any suggestion that Epic Games had any "nefarious" intent in creating the game was "a real mischaracterisation".

He said that the company had been "taken aback" by Prince Harry's comments.

Asked by committee chair Damian Collins (Con, Folkestone and Hythe) whether Prince Harry lacked an understanding of the game, Pence replied that he did.

Addiction and WHO's definition of "gaming disorder"

Panellists denied that their games are addictive and disputed the recent definition from the World Health Organisation of "gaming disorder".

Responding to a series of questions from Simon Hart (Con, Carmarthen West and South Pembrokeshire), Matthew Weissinger, Director of Marketing, Epic Games, denied Fortnite is addictive, saying that the term is a "mischaracterisation" that "masks the passion that our players have". Pence, similarly, said the game is "highly compelling and engaging" and that it is not the place of game developers to pronounce of the mental health of gamers.

Pence also cast doubt on the process that led to the adoption of the WHO definition, telling MPs that there has been a debate over whether the process had been "proper".

Kerry Hopkins, Vice President, Legal and Government Affairs, Electronic Arts (EA), said she did not think computer games are addictive, and noted that the WHO definition does not use the term, although she acknowledged that the industry has a responsibility to “follow” the issue.

All panellists claimed that it is not possible to generalise about what constitutes “too much” gameplay.

Parental controls

Representatives from Epic Games insisted that their games are not designed to “maximise short-term benefit” to the company or to increase the amount of time users spend playing the game. Weissinger said they had aimed to create a game that is “easily consumable in small chunks”, suggesting this obviated the need for stricter controls to avoid overuse.

They suggested that parental controls, including “weekly play usage reports” that parents could opt to receive about their children’s use of the game, are sufficient to avoid gamers playing too much. Several members of the committee suggested that the witnesses seemed keen to shift responsibility for monitoring children’s usage on to parents.

The chair asked them why, if they had gathered data on player usage, they had not used this data in order to identify people who might be at risk of engaging in problematic usage. Pence said: “I don’t think it’s our primary responsibility to determine how much individual players should play Fortnite”.

Hopkins agreed that consumers have a right to choose how much they play and a right to privacy, although she said EA recognises that children are “special” and makes possible parental control tools for this reason.

In-game payments

Weissinger said he did not think it was possible to spend £1,600 in a single day on Fortnite, after the chair confronted him with recent reports of a six-year-old who logged into his uncle’s account and ran up the massive bill.

Weissinger said the report “does not seem correct”. The Epic Game representatives sought to reassure members that in such cases of “family fraud” they took a “generous” approach to issuing refunds.

There is not a cap on how much an individual can spend per day, Weissinger told the committee, but he said that he did not think a person could, in practice, spend more than USD 200 in a day on the game.

He would not disclose the average monthly revenue generated per player or the number of purchases a “frequent” player of the game might be expected to make, citing commercial sensitivity.

Average game play

The chair pressed Weissinger repeatedly to tell the committee how the company defined a “frequent” user of Fortnite and how often such a user would be expected to play the game on average.

Weissinger suggested that a frequent user would be someone who had played the game within the last two weeks or 30 days, although he could not say how much such a user would typically play the game. He told MPs it was not possible to generalise about the issue.

The chair told him that he did not believe that Weissinger did not know these statistics, which the chair described as “basic information”. Collins said his inability to answer the question “arouses suspicion”. Clive Efford (Lab, Eltham) described the representatives from Epic Games as “evasive”.

Hopkins said that, while they did not monitor the length of play, they did collect data on the average number of “session days” of players of its FIFA game, a figure that currently stands at 50 per year.

Psychological well-being

Neither of the games developers represented on the panel employ psychologists to assess the impact of their games on the mental health of players, the committee heard.

Shaun Campbell, UK Country Manager, Electronic Arts (EA), insisted that the company wants players to take a “healthy and balanced” approach but conceded, under questioning from Jo Stevens (Lab, Cardiff Central), that the company does not have a definition of what counts as “unhealthy” use. Like his fellow panellists, he told MPs it is not possible to generalise about what counts as healthy engagement with video games.

Hopkins said she was not aware if her company had done any research into what might constitute harmful levels of engagement and suggested that it would not be possible to have a one-size-fits-all definition. Pence said he agreed with Hopkins that there is no “categorical” understanding of harmful engagement.

“Online harms” white paper

Hopkins told MPs that while the Government’s white paper on online harms is a “great start” she did not believe the proposals are acceptable as they currently stand.

She said that a “one-size-fits-all solution may not work for every company”, and said it would be important to be mindful of the differences between social media companies and game developers in seeking to implement a duty of care on online platforms to avoid online harms.

But she accepted that such companies may eventually face “additional legal obligations”. Pence again said he agreed with Hopkins, hinting that there could be a need to move beyond the existing regulatory landscape.

Age profile of Fortnite players

The representatives from Epic Games insisted they collected only minimal data on Fortnite players and that they knew very little about the age profile of the players.

Pence told MPs he did not think that the company has to verify age in order to comply with data protection rules, although he later denied that he had said that he thought the company does not have to comply with the law.

Hopkins explained that most games are played on consoles, such as PlayStation, and that Fifa or Fortnite players will first have to sign up for a PlayStation account, for which users have to be at least

18. At this point, parents can set up “sub-accounts” for their children and can set parental controls, which are then carried over when the user plays Fifa or Fortnite.

“Loot boxes”

Brendan O’Hara (SNP, Argyll and Bute) asked whether panellists had any ethical qualms with the use of “loot boxes”, which may be purchased in certain games and award purchasers with add-ons based on chance.

Hopkins said EA’s position is the same as that of the UK Gambling Commission, which has said they do not constitute a form of gambling. Regulators in the Netherlands and Belgium have recently banned them on the grounds that they are forms of gambling; Hopkins said these interpretations have not yet been tested in court and differ from the view of all other European gambling regulators.

She told MPs she is comfortable with the way EA has deployed what she called “surprise mechanics” and that she had not seen any evidence that players in the Netherlands or Belgium have been registering accounts elsewhere in order to get round the ban, something she suggested would be difficult.

Representatives from Epic Games said their products do not make use of loot boxes.

Work culture at Epic Games

Pence rejected claims that workers at Epic Games had been forced to work 100-hour weeks, after Efford raised allegations reported in the press about the “brutal” working culture at the game developer.

“This is not some sweat shop”, Pence said. Weissinger said he was not aware of anyone being “forced to work” long hours and said that employees had simply been working hard to make sure the game achieved its full potential.

Grooming concerns

Pence conceded that there is room for “growth” at Epic Games in terms of its approach to monitoring in-game chat features for potential grooming activity. Weissinger also admitted that the company could “invest more in” ensuring players are not being groomed by older users through the game.

But they insisted that, at any given point, hundreds of people are working to monitor complaints raised by users about their interactions on the platform.

The chair told them that automated technology is available that can monitor interactions for potential grooming activity. Weissinger said he was not aware of this sort of technology.

Hopkins told the committee that there is less scope for non-game-related chat in Fifa and said that any complaints are very quickly dealt with.

Witnesses said they would write to the committee with more details of what policies they have in place for how complaints about abusive behaviour should be dealt with.

Prompts

Weissinger admitted that Fortnite uses prompts in order to entice dormant users back into the game.

He said the company uses “CRM email blasts” to target users who had not played in a while, although he said these are manually created and not the product of “some weird automated algorithm”.

Weissinger also said the company sends players “push notifications” if they have not played the game for three days, although he said this feature had been discontinued for technical reasons.

FUT coins

Hopkins told MPs about the work EA has done to crack down on scammers finding ways to buy and sell the virtual currency used in Fifa, including by banning thousands of users for breaking the rules and cooperating with an FBI investigation that resulted in three people being jailed.

She insisted there is no incentive from EA’s perspective to allow the black market in the virtual currency to flourish, and said it had a dedicated team working on pursuing scammers 24 hours a day.

Hopkins said there would always be “bad guys” seeking to exploit the system, but she also said that the virtual currency is a feature of the game that players value.

Data sharing and Facebook

To the surprise of the chair, Weissinger said Epic Games does not make use of the Facebook data of users who log in to Fortnite through the social media platform in order to target them for advertising.

Weissinger said he was not aware what data Facebook gathers on Fortnite users, nor did he know what extra information Epic Games gathers through Facebook log-in. He reiterated that Epic Games gathers only a minimal amount of data from its users.

Hopkins said EA does not get any information from Facebook through Facebook log-in and does not share any information with the social media platform.

More generally, she said EA employs a data analytics team in order to gather data on use and improve the player experience. Weissinger, similarly, said that their data analysts focus on identifying “points of frustration” in the game and removing them in order to improve the player experience.