



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

March 13, 2023

Mr. Bryce McDivitt

Re: *In the Matter of Epic Games, Inc.*, Matter No. 192 3203

We would like to thank you for commenting on the Federal Trade Commission's ("Commission" or "FTC") proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. §4.9(b)(6)(ii). The Commission is committed to protecting consumers from unauthorized charges and the unfair use of "dark patterns," so we greatly appreciate your feedback.

The Commission's complaint alleges that Epic Games, Inc. ("Epic") saved parental credit card information by default and permitted subsequent unauthorized purchases by children. Specifically, according to the complaint, children were permitted to make purchases simply by pressing buttons, without parental or card holder action or consent (for example, without entry of a pin, password, or CVV number). Epic has also billed users of all ages for unauthorized charges within Fortnite; Epic designed purchase flows within the game so that unwanted charges were easy to incur, as Epic was aware from the more than one million complaints it received about the issue. Finally, Epic deactivated—in many cases, permanently—the accounts of consumers who disputed unauthorized charges, denying them access to paid-for content.

The order prohibits Epic from (1) charging consumers without procuring their express, informed consent or (2) deactivating the accounts of consumers who dispute unauthorized charges. Further, the order requires Epic to pay \$245 million, which will be used to reimburse consumers who were harmed by the practices described in the complaint.

Your comment indicates that you might have been charged by Epic without your consent. We have added your comment to our agency's complaint database, which assists us in our efforts to identify consumers who may be eligible to receive monetary relief in this matter. For detailed information on the Commission's processes for identifying eligible consumers and sending them money, please see [this website](#), where you can register to receive email updates on the refund process.

Having considered all the facts of this case and all of the comments submitted in response to the proposed consent order, the Commission determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any

modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. The Commission thanks you again for your comment.

By direction of the Commission.

April J. Tabor
Secretary



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Ms. Sherry Mccoy-Jones

Re: *In the Matter of Epic Games, Inc.*, Matter No. 192 3203

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Anonymous

Re: *In the Matter of Epic Games, Inc.*, Matter No. 192 3203

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Amare Brown

Re: *In the Matter of Epic Games, Inc.*, Matter No. 192 3203

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Mr. Trent Leslie

Re: *In the Matter of Epic Games, Inc.*, Matter No. 192 3203

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Your comment states that current technology makes it possible for children to rack up charges (in video games and elsewhere) without parental consent. The FTC's action demonstrates the Commission's commitment to protecting parents from such charges: the order in this matter prohibits the type of wrongful charges at issue and provides monetary relief to affected consumers. Your comment also notes the general problem of children's privacy online. The Commission shares your concern and notes that the Commission's second settlement with Epic, recently approved by a federal judge, requires Epic to implement strong default settings to protect children's privacy.

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