

## How to address consumer risks for children on social media and gaming platforms: Game plan needed!

*Scott is a thirteen-year-old boy growing up surrounded by digital technologies. He has his phone glued to his hand and regularly scrolls through TikTok and YouTube videos. Playing online videogames is also an important part of his daily life. Scott likes to meet his friends online through Fortnite's multiplayer mode and the antics of Ninja, his favourite Twitch star, have become the talk of the schoolyard. During the pandemic, these digital playgrounds were the only way for him to meet up with friends and have fun. Unfortunately, Scott doesn't like all the experiences or content he encounters on these platforms. He is increasingly annoyed by the in-game ads that pop up every time he plays a videogame. He feels pressured to spend money on skins, lootboxes and other in-game items, or to send gifts to live streamers. On top of that, he also feels misunderstood by his parents, who keep whining that his screentime is "excessive" and are concerned about his spending habits.*

A scenario like the one above is the order of the day in many households. The rapid adoption of new technologies and the accelerated development of AI in recent years have brought about major shifts in the possibilities, nature and spaces in which children can play and engage with content.<sup>1</sup> They can now enter a shared digital space and communicate with their friends or play games as easily as if they were together offline. The [DigitalDecade4Youth consultation](#) confirmed that children and young people frequently access these digital spaces, where they engage in a wide range of activities.<sup>2</sup> Important to note is that social media and videogaming platforms not only shape today's content creation industry - based on authenticity and personality - but also provide opportunities for enhanced literacy, social skills and new dimensions of storytelling<sup>3</sup>. On the one hand, **social media platforms** seem to meet a real social need of young age groups to watch, create and share videos and images, or even create new art forms. There are many 'Best Friends'-accounts on TikTok, where two friends use the account together, which demonstrates the social nature of these activities. On the other hand, **online gaming** is an important pastime for children and young people in the digital realm. Popular games such as Fortnite, Roblox or Minecraft offer a rich social and creative experience and form interesting topics of conversation and cultural moments that children can share with their peers.<sup>4</sup> Children and young people also like to watch YouTubers or other online content creators who stream and record videos about how they play online games themselves on platforms such as Twitch. New interactive gaming technologies can bring health dividends for children, provide social contexts in which they can maintain existing friendships and make new ones, and ultimately improve social and other skills.

Moreover, the **COVID-19 pandemic has propelled the use of these digital spaces**. From the start of the pandemic, reports showed that video game usage had increased 75% during peak hours in countries such as the US.<sup>5</sup> Younger generations in particular have spent more time (and money) gaming and watched more videos on apps such as Snapchat, Discover, Instagram

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<sup>1</sup> Fiona M Loudoun, Bryan Boyle and Maria Larsson-Lund, 'Children's Experiences of Play in Digital Spaces: A Scoping Review' (2022) 17 PLOS ONE e0272630.

<sup>2</sup> European Schoolnet, 'How to Make Europe's Digital Decade Fit for Children and Young People?' (2021).

<sup>3</sup> For example see Isabela Granic, Adam Lobel and Rutger CME Engels, 'The Benefits of Playing Video Games.' (2014) 69 American Psychologist 66.

<sup>4</sup> Marcus Carter and others, 'Situating the Appeal of Fortnite Within Children's Changing Play Cultures' (2020) 15 Games and Culture 453.

<sup>5</sup> Verizon, 'Verizon Network Report, reflecting March 9 compared to March 16, 2020', 2020, <https://www.verizon.com/about/news/how-americans-are-spending-their-time-temporary-new-normal>.

explore, etc. Amid lockdowns and social restrictions, these digital gathering spaces have provided them with a platform to play, socialise and learn, when offline opportunities were limited. It now seems that these young internet users are not likely to scale back their usage substantially.

As these virtual worlds become an increasingly important part of the online landscape for entertainment and socialisation of children and young people, policymakers and regulators have also started to pay more attention to the opportunities they offer. A key question that needs to be answered is the following: What are the **key priorities** for policy and regulation **so that children can make the most of their playful engagement with these spaces**? In finding an answer to this question, it is crucial to avoid moral panic as much as possible and not to neglect the many opportunities for children to exercise their rights to play, freedom of expression and more generally participation. Nevertheless, children's playful experiences on social media and videogaming platforms are increasingly monetised, exposing them to significant commercial and privacy risks.<sup>6</sup> In this context, the DigitalDecade4Youth consultation showed that **many children and young people are concerned about the consumer risks** they face when using these platforms. When discussing aspects of digital media and entertainment activities that they dislike, children and young people pointed to the lack of control over digital advertisements when playing games or watching videos online, with in-game ads being labelled “the worst type of ads”. Other practices such as in-app purchases, gambling ads, false winning notifications or fraud were seen as a form of harassment in these digital spaces. In addition to what children notice themselves, there are also increasing concerns about opaque practices – so-called ‘dark patterns’ – that may have subconscious effects on children's behaviour in social media or gaming environments.<sup>7</sup> The design of such environments may aim to manipulate a child to continue scrolling through a feed, or to spend money by means of a single click, sometimes by taking advantage of the personal data that has been collected about that child.

The commercialisation and monetisation of these important aspects of children's (digital) lives, is also gaining “airplay” at the international and European policy levels. Both the UN Committee on the Rights of the Child in its General Comment n°25 on children's rights in relation to the digital environment and the Council of Europe in its 2018 Recommendation on Guidelines to respect, protect and fulfil the rights of the child in the digital environment, require **States to take responsibility when it comes to setting legal limits on the monetisation of children's entertainment and play**. More specifically, States must review the relevant laws and policies and take action to ensure that children are protected against consumer risks. At EU level, for example, the European Commission's New Consumer Agenda explicitly acknowledges that children and young people have specific consumer needs which need to be addressed, in particular with regard to misleading and aggressive commercial practices online.

Against this backdrop, this Roundtable intends to continue discussions on the commercial pressure children face in social media and on gaming platforms in particular, and on how this can be addressed through existing and planned regulation or policy. The discussions will seek to **balance the above-mentioned commercial risks against the many opportunities for children** to exercise their rights, and to identify key priorities for social media and gaming platforms in the future. They will also try to draw attention to the responsibilities of the different

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<sup>6</sup> S van der Hof and others, ‘The Child's Right to Protection against Economic Exploitation in the Digital World’ (2020) 28 The International Journal of Children's Rights 833.

<sup>7</sup> Commission Notice – Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market.

parties involved and formulate a clear call to action for each of them, especially policymakers and regulators.

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