

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Joseph J. Simons, Chairman  
Noah Joshua Phillips  
Rohit Chopra  
Rebecca Kelly Slaughter  
Christine S. Wilson

\_\_\_\_\_) )  
*In the Matter of* ) )  
) )  
Miniclip S.A., a corporation. ) DOCKET NO.  
) )  
) )  
\_\_\_\_\_)

**COMPLAINT**

The Federal Trade Commission (“FTC” or “Commission”), having reason to believe that Miniclip S.A., a corporation (“Respondent”), has violated the Federal Trade Commission Act (“FTC Act”), and it appearing to the Commission that this proceeding is in the public interest, alleges:

- 1. Respondent Miniclip S.A. is a Swiss corporation with its principal office or place of business at 18 Faubourg de l’Hôpital, 2000 Neuchâtel, Switzerland.
- 2. Respondent develops, publishes, and distributes mobile and online digital games. As of August 2019, Respondent had approximately 100 applications (“apps”) available for download through Apple’s App Store and Google Play. Consumers can also play online games via Respondent’s website, www.miniclip.com, and through Facebook.
- 3. The acts and practices of Respondent as alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act.

**COPPA Safe Harbor Programs**

- 4. Congress enacted the Children’s Online Privacy Protection Act of 1998 (“COPPA”) to protect the safety and privacy of children online by prohibiting the unauthorized or unnecessary collection of children’s personal information online by operators of Internet Web sites and online services (“operators”). COPPA directed the Commission to promulgate a rule implementing COPPA. The Commission promulgated the COPPA Rule on November

3, 1999, under Section 1303(b) of COPPA, 15 U.S.C. § 6502(b), and Section 553 of the Administrative Procedure Act, 5 U.S.C. § 553. The Rule went into effect on April 21, 2000. The Commission promulgated revisions to the Rule that went into effect on July 1, 2013.

5. COPPA includes a provision enabling industry groups or others to submit for Commission approval self-regulatory safe harbor programs that implement the protections of the Commission's final Rule.
6. The COPPA safe harbor programs approved by the Commission review member operators' compliance with the safe harbor programs' guidelines. An operator who complies with the Commission-approved safe harbor program guidelines will be deemed in compliance with COPPA.

### **Relevant Business Practices**

7. In 2001, the Commission approved the Children's Advertising Review Unit ("CARU") as a COPPA safe harbor program.
8. In July 2009, Respondent joined CARU's COPPA safe harbor program. Thereafter, Respondent began disseminating statements regarding its participation in CARU's COPPA safe harbor program.
9. From at least 2012 through June 2019, Respondent disseminated or caused to be disseminated the following statement on its Small Print website page (<https://corporate.miniclip.com/advertising/small-print>):

In recognition of our focus on the quality and safety of our content, we have been accepted to join the CARU Kids Privacy Safe Harbor Program and have been certified as COPPA compliant.

10. From April 2019 through June 2019, Respondent disseminated or caused to be disseminated the same statement in Paragraph 9 on its Terms and Conditions website page (<https://www.miniclip.com/terms>). In addition to being available on Respondent's website, the Terms and Conditions also were available to users through the settings menu in Respondent's apps.
11. From at least November 2012 through July 2019, Respondent disseminated or caused to be disseminated the following statement on its Facebook Games Privacy Policy website page (<https://www.miniclip.com/games/page/en/facebook-privacy-policy>):

Miniclip is a Certified Participant of the Better Business Bureau's, CARU Kids Privacy Safe Harbor Program: <http://www.caru.org/caru.aspx?id=275582381>. The information practices of Miniclip.com have been reviewed and meet the standards of the Children's Advertising Review Unit's Kid's Privacy Safe Harbor Program.

12. Respondent remained a member of CARU's COPPA safe harbor program until July 6, 2015, when CARU terminated Respondent's participation in the COPPA safe harbor program.
13. After CARU terminated Respondent from CARU's COPPA safe harbor program, Respondent continued to make claims, as indicated in Paragraphs 9-11, that it participated in the CARU COPPA safe harbor program.

**Count 1: COPPA Safe Harbor Misrepresentations**

14. As described in Paragraphs 9-11, Respondent represented, directly or indirectly, expressly or by implication, that it was a current participant in the CARU COPPA safe harbor program.
15. In fact, as described in Paragraph 12, after CARU terminated Respondent from CARU's COPPA safe harbor program, Respondent was not a current participant in the CARU COPPA safe harbor program. Therefore, the representation set forth in Paragraph 14 is false or misleading.

**Violations of Section 5 of the FTC Act**

16. The acts and practices of Respondent as alleged in this complaint constitute deceptive acts or practices, in or affecting commerce, in violation of Section 5(a) of the Federal Trade Commission Act.

**THEREFORE**, the Federal Trade Commission this \_\_\_\_ day of \_\_\_\_\_, 2020, has issued this Complaint against Respondent.

By the Commission.

[April J. Tabor]  
Acting Secretary

SEAL: