

Analysis of Proposed Consent Order to Aid Public Comment  
In the Matter of Miniclip S.A.  
File No. 1923129

The Federal Trade Commission (“Commission”) has accepted, subject to final approval, an agreement containing a consent order from Miniclip (“Respondent”).

The proposed consent order (“proposed order”) has been placed on the public record for thirty (30) days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement to proposed order.

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](http://www.miniclip.com) and through Facebook.

This matter concerns alleged false or misleading representations that Respondent made concerning its status in a Children’s Online Privacy Protection Act of 1998 (“COPPA”) safe harbor program. Congress enacted 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. COPPA directed the Commission to promulgate a rule implementing COPPA. The Commission promulgated the COPPA Rule on November 3, 1999, and the COPPA Rule went into effect on April 21, 2000. The Commission promulgated revisions to the Rule that went into effect on July 1, 2013. 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.

In 2001, the Commission approved the Children’s Advertising Review Unit (“CARU”) as a COPPA safe harbor program. 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. Respondent remained a member of CARU’s COPPA Safe Harbor Program until June 2015, when CARU terminated Respondent’s participation in the program. After CARU terminated Respondent from its safe harbor program, Respondent continued to make claims that it participated in the program.

The Commission’s proposed consent order complaint alleges that Respondent violated Section 5(a) of the Federal Trade Commission Act. Specifically, the proposed complaint alleges that Respondent engaged in a deceptive act or practice by falsely representing that it was a current participant in the CARU COPPA safe harbor program when it was not.

Part I of the prop