

# Can a Video Game Constitute Gambling? Don't Bet on It

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November 26, 2017

In 2004, the video game 'Star Wars Battlefront' was released. It was a monumental game, for it immersed the player in the Star Wars universe and made you feel as though you were in one of the movies. Obviously it was extremely popular and spawned several sequels.

The latest iteration, Battlefront II, was released last week. Possibly the most hotly anticipated game of 2017, it received high critical acclaim, but quickly garnered harsh criticism for what is known as "pay to win."

In many games, as you play, you earn credits that can be applied toward unlocking "loot boxes," which contain special features, such as weapons upgrades, armor or even playable iconic characters. Obviously these features tremendously enhance the player's effectiveness, making advancing easier.

The concept of "pay to win" is that players can simply purchase these loot boxes. Because some of the game's modes include online battles against other players, those willing to shell out money for upgrades dominate the playing field. While typically found in mobile games, the idea has been known to show up in platform games like Battlefront II.

Players are crying foul. While the game costs about \$60, gamers estimate that paying for all of the available special features would cost over \$2,000 more. Unlocking these features through gameplay, however, would require playing two hours a day for six years. They complain that Electronic Arts, the developer of Battlefront II, ripped consumers off by charging them for a game that they essentially have to spend additional money on in order to continue to play.

In response to the outcry (or to the company's stock dropping 7% in the last month), Electronic Arts' general manager, Oskar Gabrielson, announced, "We hear you loud and clear, so we're turning off all in-game purchases."

Gabrielson elaborated, saying, "We've heard the concerns about potentially giving players unfair advantages. And we've heard that this is overshadowing an otherwise great game. This was never our intention. Sorry we didn't get this right."

The bad news is that it's not a permanent change. According to Gabrielson, in-game purchases will return "at a later date, only after we've made changes to the game."

While all this is interesting, the legal twist is that Belgium is investigating the game out of concerns that in-game purchases constitutes gambling. For a Star Wars game licensed by parent-company Disney to be played by kids, having it considered gambling is not good.

The Belgian Gaming Commission is currently investigating Battlefront II. Paying real money to unlock a virtual "loot box" without knowing what kind of reward is inside could be thought of as a game of chance, especially if it is unknown how many boxes it takes to finish the game.

Belgium requires companies involved in gambling to have a license. Minors and people with a gambling addiction are not allowed to play, which is bad for video game sales.

Electronic Arts denies these claims, saying that the "mechanics of Star Wars Battlefront II are not gambling." A statement released by the company states that, "A player's ability to succeed in the game is not dependent on purchasing [loot boxes]" because they can also be earned "through playing the game and not spending any money at all."

As a lawyer, I believe I should purchase this game to investigate these claims for myself. Strictly out of legal curiosity, of course.

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