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## COMMENTARY



# Reserve your judgment on “Draconian” Chinese video gaming restrictions on children

## Commentary on: Draconian policy measures are unlikely to prevent disordered gaming (Colder Carras et al., 2021)

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### ABSTRACT

China imposed strict restrictions on young people’s participation in videogaming from September 2021. Colder Carras et al.’s commentary (2021) referred to this policy as ‘draconian,’ *i.e.*, ‘excessively harsh and severe.’ However, any opinion on whether this policy is ‘draconian’ is a value judgment, and any judgment on its ‘effectiveness’ ought to be reserved until proven or disproven by empirical evidence. Indeed, the Chinese policy is neither potentially ineffective nor draconian, and is already providing at least one identifiable benefit: enhancing consumer protection by effectively reducing underage players’ monetary spending on videogames, including on randomised, gambling-like mechanics known as ‘loot boxes.’

### KEYWORDS

consumer protection, China, interactive entertainment law, loot boxes, video gaming regulation

## INTRODUCTION

The National Press and Publication Administration (NPPA) of the People’s Republic of China (PRC) imposed strict restrictions on the participation in videogaming by young people (aged under 18) beginning from 1 September 2021 (Xiao, 2021b; 国家新闻出版署 [National Press and Publication Administration (PRC)], 2021a). Specifically, companies are allowed to provide online videogaming services to minors *only* between 20:00–21:00 on Fridays, Saturdays, Sundays, and public holidays (*i.e.*, 3 h total in an average week) (Xiao, 2021b). This is a further reduction of permitted videogaming hours from older restrictions imposed in 2019 which allowed services to be provided at any time (except between 22:00–08:00 the next morning) for at least 1.5 h every day (*i.e.*, 10.5 h total in an average week) (Xiao, 2020). The regulation is enforced by videogaming companies on PRC servers, which are required to verify the real-world identity of all users; identify underage players; actively calculate how much time is being spent live by each of those players; and promptly disconnect any players upon them reaching their time limit.

Dedicated, national, ‘Chinese’ servers are often created by videogame companies to enforce this restriction (in addition to achieving other goals), as was done by Supercell with

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*Brawl Stars*, for example. International online videogaming services offered on global servers generally do not attempt to identify underage PRC players and enforce this restriction, which means that PRC minors can potentially use VPNs (Virtual Private Networks) and other methods to obtain service beyond their ‘allowance’ on these servers (which are usually technologically blocked in the PRC and difficult to access). In addition, the limit explicitly applies only to online videogames and thereby excludes offline videogames (e.g., console games and single-player games on personal computers), likely due to technical difficulties with enforcing limits on the latter (Xiao, 2020). Another potential loophole for evading the limit remains open: falsely using an adult’s ID card (e.g., a parent’s) to verify the user account as *not* belonging to a minor to disapply the restrictions; however, companies have actively adopted technology to deal with minors masquerading as adults, e.g., by requiring facial recognition scans upon login and at regular intervals during gameplay (May & Chien, 2021).

This policy change was commented upon by Colder Carras, Stavropoulos, Motti-Stefanidi, Labrique, and Griffiths (2021) in the *Journal of Behavioral Addiction*, who referred to this policy as ‘draconian,’ which is defined by the *Oxford Dictionary of English* as ‘excessively harsh and severe’ (Stevenson, 2015). This note makes three points by responding to Colder Carras et al. (2021)’s claims about the measure’s (i) alleged ineffectiveness and (ii) alleged ‘draconian-ness,’ and by (iii) presenting emerging evidence of identifiable benefits. This note thereby counterargues that any judgment and comments on whether these measures are ‘effective’ ought to be reserved until empirical evidence proves one way or the other. The PRC’s policy is arguably neither potentially ineffective nor draconian, and indeed is arguably already benefiting underage PRC videogame players in at least one identifiable way: enhancing their consumer protection by effectively reducing their monetary spending on videogames, including specifically on randomised, gambling-like mechanics known as ‘loot boxes’ (see Drummond, Sauer, Hall, Zendle, & Loudon, 2020; Drummond & Sauer, 2018; Xiao, Henderson, Nielsen, Grabarczyk, & Newall, 2021), which have been linked to problem gambling (Garea, Drummond, Sauer, Hall, & Williams, 2021; Spicer et al., 2021; Zendle & Cairns, 2018).

## ALLEGED INEFFECTIVENESS

Firstly, in relation to (in)effectiveness, Colder Carras et al. (2021) discussed how purely reducing young people’s gameplay time is not a sufficiently nuanced policy response and the potential negative consequences thereof (e.g., that young people’s overall wellbeing would not be improved and may indeed be harmed). However, with the benefit of hindsight, in the few months since the restrictions were imposed, it cannot be denied that this policy has been effective at what it set out to do: reduce gameplay time. Tencent, the largest videogaming company in the PRC and in the world, in its earnings report for the third quarter

of 2021, addressed the new restrictions explicitly and revealed that the amount of time spent by PRC young people under 18 on videogaming ‘significantly [declined]’ from representing 6.4% of the total amount of time spent by all PRC players (i.e., including adults) in September 2020 to only 0.7% thereof in September 2021 (Tencent, 2021, p. 3). Tencent attributed this decline to the policy change, but other reasons may also have contributed to this reduction (e.g., more minors are now falsely using adult accounts to circumvent the measure and impacts of the COVID-19 pandemic on participation in videogaming (King, Delfabbro, Billieux, & Potenza, 2020)). In any case, this is a very substantial 89% reduction that appears to be, at least partly, caused by the new restrictions. PRC young people appear to now be spending less time playing videogames. That regulatory goal has been achieved.

Colder Carras et al. (2021) correctly identified certain difficulties with enforcing the restrictions, which were addressed in this note’s Introduction. ‘Non-compliance’ by individuals negatively impacts the policy’s overall effectiveness but does not affect the measure’s inherent effectiveness on other ‘compliant’ individuals. The extent to which PRC young people attempt to circumvent the restrictions (the ‘compliance’ rate) has not yet been empirically assessed. Effectiveness of the measure in terms of *compliance*, as opposed to effectiveness in terms of the measure’s *potential harms and benefits as applied to young people who do ‘comply’*, are, however, two separate questions that should not be conflated. Notwithstanding, the 2021 restrictions are more effective than the 2019 restrictions at achieving the goal of reducing gameplay time because one particular loophole was ‘patched’: as mentioned above, the restrictions are enforced by videogame companies, which are tasked to measure how much time each player has spent. Companies operating multiple games, e.g., Tencent, were able to share each player’s gameplay time ‘tally’ internally and keep a total count across multiple games that is used to decide whether the limit has been reached. However, there was no system that allowed for a total tally to be shared between companies, meaning that minors were potentially able to switch to different games to circumvent the restrictions: e.g., play 1.5 h of one game and then another 1.5 h of a second game operated by a different company, as long as this was done between 08:00–22:00. This is now no longer possible under the 2021 restrictions because of the new, additional rule that only permits videogaming services to be provided between 20:00–21:00. A minor can no longer ‘double-dip,’ because by the time that the 1-h limit takes effect in the first game, it would already be past 21:00, so a second game would also no longer provide service because it would now be outside of the permitted operating time, even if that second game is *unaware* that the minor has already spent an hour playing the first game.

A major reduction to PRC young people’s gameplay time appears to have materialised, but another aspect of assessing the policy’s effectiveness is to consider whether its benefits outweigh its harms. There is presently a lack of empirical knowledge and so no conclusion can yet be drawn. Based on



studies of predominantly Western videogame players (and the literature has recognised that research results derived from so-called WEIRD (Western, Educated, Industrialized, Rich, and Democratic) samples are not necessarily generalisable to non-WEIRD societies (Henrich, Heine, & Norzayan, 2010)), Colder Carras et al. (2021) suggested that this reduction in videogame time potentially leads to negative consequences, but does it (or rather did it) in fact do so amongst underage PRC videogame players? Due to cultural and other reasons, previously identified negative consequences that affected other samples might not affect young PRC players. Even Choi et al.'s policy study (2018)<sup>1</sup> from the non-WEIRD South Korea (Hanguk) on the effectiveness of that country's since repealed online videogaming shutdown law (which prohibited online videogaming by under-16s between 00:00–06:00 the next morning) is not necessarily translatable, given that the WEIRD and non-WEIRD dichotomy itself fails to account for human diversity across the globe and indeed within a particular country (Ghai, 2021). Further research on the alleged harms should be conducted in the PRC to guide potential domestic law reform and provide perspective to other countries considering similar measures. Focus should be given to how different groups of young PRC players experience the measure differently: it is doubtful whether rich late adolescents living in a major city, such as Beijing, would experience the measure in the same way as less advantaged, young children from an ethnic minority living in a village in a poorer province. Attention should also be given to how young PRC adults would adapt to the sudden disapplication of the restrictions upon attaining the age of majority (which likely is also a time when they gain increasing independence and receive less parental supervision, e.g., attending university in another city across the country). In addition, it is not known whether this reduction has led to any positive consequences (besides the already evident loot box consumer protection benefits detailed below), e.g., reduced prevalence of myopia amongst young people (Rose et al., 2008) and more time spent engaging in physical social activities (Király, Browne, & Demetrovics, 2022), studying, or exercising outdoors (some of these were identified and cited by the NPPA as the regulatory intent (国家新闻出版署 [National Press and Publication Administration (PRC)], 2021b)). Those potential positive consequences might outweigh the negative concerns.

## ALLEGED 'DRACONIAN-NESS'

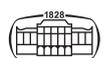
Secondly, in relation to the policy being identified as 'draconian' by Colder Carras et al. (2021), this is their expression of a subjective opinion. Whether a measure is 'draconian' is a matter of degree and where the proverbial line in the sand should be drawn as to when a policy becomes 'draconian' is a value judgment informed (or

coloured) by one's cultural backgrounds and political opinions. It was inappropriate for Colder Carras et al. (2021) to use a Western conceptualisation of what is 'excessively harsh or severe' to conclude that the policy of the PRC is 'draconian' and 'need to be revised' (p. 2). The PRC is a Far Eastern country, and its people do not necessarily share so-called Western values to the same degree. Western young people might predominantly view the measure as 'draconian,' if it is applied to them (or so the Western academic literature written by adults of varying ages is likely to assume), but PRC young people themselves might not see the measure as 'draconian' and might appreciate that the measure is seeking to further their own health and educational needs, even though they might resent, to some degree, the restrictions on their videogame play. Further, what might be seen as 'draconian' by Western academics might *not* be seen as 'draconian' by PRC parents, whose children are actually being affected by that policy. A majority of PRC parents might well approve the policy as an entirely appropriate and proportionate means for proactively addressing the potential harms of online videogaming, which they perceive to be a legitimate concern for their children.

Foremost, the point must be made that restrictions on videogaming could be even more severe than those imposed in the PRC. Indeed, participation in videogaming as an activity by young people could have been banned entirely, yet the PRC regulator decided against doing so after taking into account the seemingly minority views of 'some teachers and parents ... that moderate engagement with videogaming ... might promote young people's healthy development' (国家新闻出版署 [National Press and Publication Administration (PRC)], 2021b). Further, it should be noted that the PRC regulations are not framed as young people being explicitly prohibited from playing videogames except at certain times. Indeed, this policy actually does not impose any penalties on young people themselves for contravening it (i.e., they would not be fined or otherwise punished if found playing beyond the limits). Contrast this framing with that of UK gambling law, which criminalises not only the provision of gambling to under-18s by others but also voluntary participation in gambling by the young people themselves (*n.b.*, defined as only those aged between 16 and 18, and not under-16s) (ss. 46 and 48 of the Gambling Act 2005). The PRC regulation is instead *only* framed as videogaming companies having certain obligations to limit how much videogaming service they can provide to young people. Simply put, PRC young people would not be personally punished by the law for playing videogames, even beyond the limits. This further reduces the 'draconian-ness' of the PRC policy: it does not even 'punish' young people.

Finally, Colder Carras et al. (2021) identified the importance of engaging stakeholders in order to successfully implement policy. It is obviously important for future research to consider what underage PRC players think about the new restrictions (some of whom might support, or at least appreciate, its implementation), but in addition to the underage players, other important stakeholders in the

<sup>1</sup>Whose methodology of focusing on assessing 'internet use' in general, rather than 'videogaming use,' can be improved upon.



videogaming context are their parents and their educators (e.g., schoolteachers). The NPPA referred repeatedly to the opinions of parents and educators, including seemingly minority views, and how those were taken into account during the policymaking process when being queried by journalists in relation to the relevant new policy: specifically, that ‘not a few’ parents reflected that the older 2019 limits on young people’s videogaming time (see Xiao, 2020) were overly lenient such that the hourly limits should be further reduced to only permit even less time, and that ‘some’ parents and teachers support moderate videogaming thus leading the NPPA to decide not to ban videogaming by young people entirely (国家新闻出版署 [National Press and Publication Administration (PRC)], 2021b). In South Korea (Hanguk), ‘many parents’ reportedly supported that country’s online videogaming restrictions on under-16s (Koh, 2015, p. 224). Indeed, some parents in Western countries, perhaps (partly) in jest, have expressed support for the PRC policy (Coster, 2021), reflecting that at least some parents in and outside the PRC desire being better empowered to more effectively control their children’s videogaming. Although this remains to be empirically assessed, it is not far-fetched to suggest that the ‘draconian’ PRC policy might have the support of many and, quite possibly, the *majority* of PRC parents and educators (Soo, 2021). What if the policy, rather than being executively imposed, was instead adopted by referendum or some other form of ‘democratic’ policymaking that is more widely accepted by Western societies, or if, indeed, the policy was adopted by a Western country through its legislative process? Would Colder Carras et al. (2021) then make similar criticisms on the PRC policy; refer to it as being ‘draconian;’ draw allusions to capital punishment (p. 2); attack the country’s legal due process (p. 2); and argue for the policy’s revision based (at least partly) on a value judgment? The content and efficacy of any particular policy should not be judged based on the procedure by which it was adopted: these are two separate questions. If the majority of a hypothetical electorate supports a law and willingly applies it to themselves and their children, can that law still be ‘draconian’? That hypothetical electorate evidently thinks not, and *that* would be the only opinion that matters.

### Contrast with the western view on loot box regulation: hypocrisy?

Indeed, different countries in the world have taken different stances on the regulation of videogames in relation to loot boxes: some countries (e.g., the UK, France, and, indeed, the PRC (Xiao, Henderson, Yang, & Newall, 2021)) have adopted a permissive approach that has allowed most loot boxes to remain unregulated and available for purchase by children; in contrast, other countries (e.g., Belgium and the Netherlands) have adopted a restrictive approach that has sought to regulate certain implementations of loot boxes as gambling (Xiao, 2021a, 2022). Belgium has effectively banned all paid loot boxes and prohibited their purchase by adults and children alike (even adults who would never be potentially harmed by loot boxes are no longer allowed to

buy them, thus leading to the removal of certain games from the Belgium market (Nintendo, 2019), which has deprived all Belgian players of the opportunity to play them and thereby infringed upon the players’ right to choose and their ‘freedom’). Yet, there has been little criticism of that ‘draconian’ Belgian approach and indeed substantial support for the replication of that draconian ‘outright ban’ policy in other Western countries, e.g., in the UK, by academics (e.g., Close & Lloyd, 2021, p. 40), charities and other NGOs (Non-Governmental Organisations) (e.g., Mason, 2021), and, indeed, the legislature (Select Committee on the Social and Economic Impact of the Gambling Industry of the House of Lords (UK), 2020, p. 115, para. 446). Less restrictive, less ‘draconian’ regulatory approaches to minimising potential loot box harms are available (King & Delfabbro, 2019b; Xiao & Henderson, 2021; Xiao & Newall, *in press*), e.g., mandating probability disclosures, as adopted in the PRC, ironically (Xiao, Henderson, Yang, & Newall, 2021). Surely those other approaches that more effectively balance the interests of all stakeholders than an indiscriminate ban, as adopted by Belgium, would better promote ‘Western values.’ Countries are within their rights to regulate loot boxes, or videogaming in general, differently and exercise varying degrees of paternalism. Does the Western moral panic in relation to loot boxes and potential gambling-related harms justify such hypocrisy?

### EMERGING EVIDENCE OF IDENTIFIABLE BENEFITS

Thirdly, Colder Carras et al. (2021) did not discuss how the PRC restrictions on videogaming *time* are bundled with similar restrictions on videogaming *monetary spending*, that were first imposed from 1 November 2019 (Xiao, 2020; 国家新闻出版署 [National Press and Publication Administration (PRC)], 2019). When these two measures are examined in conjunction: a benefit and positive consequence of the ‘draconian’ PRC policy is already evident. Indeed, it appears that these monetary spending limits are less offensive and less ‘draconian’ (if at all) to Western palates. Western researchers have contrarily supported and advocated for the imposition of (arguably draconian) maximum spending limits on videogames globally and on adults no less (Close & Lloyd, 2021, p. 37; Drummond, Sauer, & Hall, 2019; King & Delfabbro, 2019b), specifically in relation to loot boxes, even though such limit-setting may lead to unintended negative consequences and is arguably not informed by direct empirical research (King & Delfabbro, 2019a), similar to what Colder Carras et al. (2021) argued in relation to the PRC restrictions on videogaming time. Indeed, imposing a maximum spending limit is perhaps not the best solution to achieving the goal of reducing loot box harms in the overall population because this measure targets and affects only the highest spending players, as compared to, for example, designing more transparent and ethical loot boxes, which would benefit all players regardless of how



much they spend (King & Delfabbro, 2019b; Xiao & Henderson, 2021; Xiao & Newall).

Nonetheless, considerable support for the imposition of a maximum monetary spending limit on loot boxes (and, by extension, videogames) can be identified in the Western academic literature. Such a regulatory measure was first adopted and imposed in the PRC from 1 November 2019, and it remains in force. Although it is reasonable to assume that this measure has been effective at limiting the spending of the highest-spending players, no research or public industry data is available as to by how much underage players' spending was reduced by the initial imposition of that measure collectively or individually, *i.e.*, comparing spending before and after 1 November 2019. However, after the 2021 restrictions on videogaming *time* were imposed (*i.e.*, the 'draconian' policy), Tencent (again, in its earnings report for the third quarter of 2021) revealed that the amount of money spent by PRC young people under 18 on videogaming 'significantly [declined]' from representing 4.8% of the total amount of money spent by all PRC players (*i.e.*, including adults) in September 2020 to only 1.1% thereof in September 2021 (Tencent, 2021, p. 3). This suggests that a substantial proportion of Chinese young people were in fact previously spending the maximum monetary limit during September 2020 (and likely between 1 November 2019 and 31 August 2021 generally) and has only had their spending reduced below that maximum permitted level from after 1 September 2021, given that otherwise there should not have been such a substantial reduction from September 2020 to September 2021. This reduction happened because of the 'draconian' videogame time restriction policy being imposed. Compared to before, not only were the highest-spending players effectively targeted by the limit-setting measure, it seems that a significant proportion of the less high-spending players' spending was also effectively reduced, thus achieving two goals instead of one. The combination of these two policies avoids the major flaw of the limit-setting policy (when it operates alone) of only being able to change the behaviour of, and provide consumer protection to, the highest-spending players. Previous research has established that loot boxes are present in 91% of the highest-grossing mobile games in the PRC (far exceeding their prevalence in Western countries (Xiao, Henderson, & Newall, 2021; Zendle, Meyer, Cairns, Waters, & Ballou, 2020)) and indeed many games are predominantly monetised by such mechanics (Xiao, Henderson, Yang, & Newall, 2021). The aim of the PRC's videogame spending limit-setting (and, by implication, loot box limit-setting) policies of reducing *monetary* spending seems to have finally started 'working,' or at least worked substantially better, amongst more average-spending players, after the stricter restrictions on videogaming *time* were imposed in September 2021. Young people in Western countries have been identified as being potentially particularly vulnerable to loot box-related harms (González-Cabrera et al., 2021; Wardle & Zendle, 2021; Zendle, Meyer, & Over, 2019), and PRC young people are particularly more frequently exposed to such mechanics (Xiao, Henderson, Yang, & Newall, 2021). Better consumer protection in relation to loot boxes is now

provided to PRC young people: many of them are spending less money. This is an evident and identifiable benefit of the 'draconian' PRC policy.

## CONCLUSION

Given that revisions to this PRC policy are unlikely to be forthcoming, rather than dismissing it as misguided and 'draconian' at such an early stage through a coloured lens, researchers should instead focus on considering the effects of this policy on PRC young people: *e.g.*, how are they now spending that time they used to spend playing videogames? Researchers could also consider how videogaming-related harms will now develop differently in the PRC; in other Far East Asian countries (*e.g.*, South Korea (Hanguk), which has recently reversed course, repealed its videogaming restrictions on underage players, and taken a divergent, *laissez-faire* approach to young people's videogaming (Xiao, 2021b; 문화체육관광부 [Ministry of Culture, Sports and Tourism (South Korea)], 2021)); and in Western countries by comparing multiple national cohorts. Any policymaking is effectively an experiment, and the PRC policy has created an experimental environment and research opportunities that can help the world learn more about videogaming by children. The PRC's experimental regulations might inform policymaking in other countries, including Western countries: be it that such measures are ineffective, or be it that they are justified because they might, on balance, be more beneficial than harmful, despite their restrictive nature.

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