



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Division of Advertising Practices

December 12, 2017

Angela Tiffin, Esq.
Children's Advertising Review Unit
112 Madison Avenue, 3rd Floor
New York, NY 10016

Re: CARU Referral of Dave & Buster's Television Commercial on Cartoon Network

Dear Ms. Tiffin:

I am writing to follow up on CARU's referral to the FTC of its compliance investigation of Dave & Buster's, Inc.'s claims for "Free Video Game Play" in a television commercial that aired on Cartoon Network. Your referral indicated that the commercial's announcer touted, "Dave & Busters [sic] has free video game play weekdays this summer. You can buy a power card for \$50 and play video games for free all summer." You expressed concern that the commercial's claims were misleading to the children the ad targeted. You raised the issue of Dave & Buster's use of the word "free," when consumers needed to purchase a \$50 power card to play games. You also were worried that Dave & Buster's did not adequately disclose material information to children, such as not all of its games being available for play; only "blue light" games could be played. Because Dave and Buster's declined to participate in CARU's self-regulatory program, you referred this matter to the FTC for our review.

We have had several discussions with Dave & Buster's about the challenged advertising, including the principle that the FTC evaluates advertising directed to children from a child's perspective, not an adult's point-of-view. Dave & Buster's has represented that it has not disseminated the commercial since mid-July 2017 and does not plan to run it in the future. More importantly, the company agrees to appropriately consider its targeted audience in future advertising directed at children to ensure claims are in compliance with Section 5 of the FTC Act and CARU self-regulatory guidance.

Upon review of the matter, we have determined not to take additional action at this time. The FTC reserves the right to take such further action as the public interest may require. The FTC fully supports CARU's self-regulatory process, and we appreciate your referral and the opportunity to continue to assist in supporting CARU.

Very truly yours,

Devin W. Domond
Chief of Staff for Advertising Practices

Cc: Jill Valachovic, Dave & Buster's, Inc.