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For immediate release

Apple and Google expose children to data privacy breaches through misleading app age ratings

Hundreds of the most popular apps are being advertised with misleading age-ratings in Apple and Google’s app stores, leaving children in “the firing line” of targeted ads and unlawful data processing. According to campaign groups, Good Law Project and 5Rights Foundation, who have now jointly submitted a formal complaint to the Competition and Markets Authority (CMA), the tech giants are raking in huge profits by breaching consumer and data protection law.

The campaign groups analysed the highest rated apps in terms of generated revenue and found that hundreds display a much lower age rating in the relevant app store than what is required by the app’s own terms and conditions.

Candy Crush Saga, which has generated billions in revenue from in-game purchases, is marked PEGI 3 in Google Play and 4+ in Apple’s app store. However, the app’s terms and conditions stipulate that users must be at least 13 years old to play.

Many of these apps impose these higher age ratings in their terms and

conditions. This reflects their monetisation strategies that depend on in-app purchases and data processing, both of which require appropriate adult consent.

App stores can receive up to 30% commission from downloads of these apps and additional in-game content.

In an official complaint to the CMA, Good Law Project and 5Rights have now urged the regulator to sanction Apple and Google and compel them to immediately apply appropriate age guidance for all apps in their respective stores.

After being contacted by the Information Commissioner's Office about the issue, the tech giants initially refused to do so.

Duncan McCann, Good Law Project's Tech and Data Policy Lead and a complainant, said:

"Our children are being left in the firing line of targeted ads and unlawful data processing by Apple and Google's willfully irresponsible and misleading use of age ratings in their app stores.

"These tech giants are refusing to do the right thing and act, simply because it is so lucrative not to do so. It's now time for the regulator to put its foot down".

Leanda Barrington-Leach, Executive Director of 5Rights Foundation, said:

"It is unfathomable how Apple and Google can so blatantly mislead consumers and make millions off the exploitation of children in plain sight.

"Promoting games such as Candy Crush and White Out Survival, which are highly addictive and contain features such as in-app purchases, to children as young as 4 is legally and morally unacceptable.

These gatekeepers' unwillingness to do something as simple as aligning app store age ratings to the eligibility terms set by providers reflects an arrogance and disregard for children's rights and wellbeing all too common in the tech sector. It is high time for them to be held accountable for their public commitments and legal obligations".

Notes

ENDS

- The complaint states that the conduct of Apple and Google, over their application of misleading age ratings in their respective stores, is unlawful for three reasons:

(i) First, it is an unfair commercial practice, in breach of the relevant consumer protection regulations.

(ii) Second, the conduct results directly in unlawful data processing both by the apps for which misleading age ratings are provided, and by the platforms that host the app stores.

(iii) Third, given the effective monopoly of Apple and Google over their respective app stores, and the resulting special responsibility to protect consumers' interests, these breaches of consumer and data protection law constitute abuses of their respective dominant positions.

- Good Law Project and 5Rights analysed (see appendix four of the complaint) the top 500 apps by in-app revenue and examined the discrepancy between the age rating displayed on the app store and the user age required by the apps' terms and conditions. Of these, 51% appear to be gaming apps [1] or otherwise likely to appeal to children on the basis of their content or design. Among these:
 - a) 45% display a lower age rating in the relevant app store than what is required by the app's own terms and conditions;[2] and

b) 74% display a lower age rating in the relevant app store than what is required by the app's privacy policy.[3] [4]

[1] Excluding gambling games or games specifically targeted at adults.

[2] In addition, 73 (29%) of the apps reviewed which were considered likely to appeal to children did not specify an age requirement in their privacy policy.

[3] This includes apps whose terms of service state that younger users require parental consent to play, because the Complainant considers that parents or guardians of minors are also likely to be misled by the age rating displayed in the app stores.

[4] In addition, 16 (6%) of the apps reviewed which were considered likely to appeal to children did not specify an age requirement in their privacy policy.

- [Good Law Project](#) is a non-profit that uses the law to build a fairer future. We took a leading role in overturning Boris Johnson's unlawful prorogation of parliament and in exposing the cronyism at the heart of the government's £50bn Covid procurement. We helped a woman who had suffered sexual assault defend her right to tell her own story and forced the government to rewrite its threadbare net zero strategy.
- [5Rights Foundation](#) is a pioneering UK-based charity working with and for children to build the digital world they deserve. We conduct research, craft policies and help shape, pass and enforce laws (such as the Age Appropriate Design Code and the Online Safety Act) to hold tech companies accountable for their impact on children, while supporting rights-respecting innovation. Our work has led to scores of practical design changes, making services safer for hundreds of millions of children in the UK and globally.

