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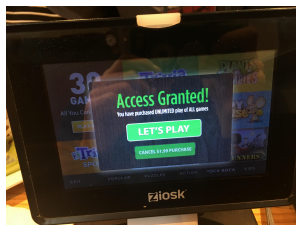
Dear State Legislators,

My name is Andrew Olson and I live in Duluth. About a year ago I took my family to Texas Roadhouse in Duluth, MN. This is a family favorite restaurant that we previously went to about 7-10 times a year. At our last visit there, there were new Ziosk brand tablets on the tables. The waitress encouraged us to use the device for adding items on our order or paying the final bill. This ease was welcomed until we were given our bill.

There was a \$1.99 charge added on to the bill.

I asked our waitress what the extra \$1.99 charge was for and she explained that it was for using the device. Upon further questioning it turned out that the charge was from my son clicking on a game app. My son Jack was in 2nd grade at the time and for a brief moment he was looking at the tablet on the table. He explained that when he saw games that he touched the app. The device then opened a confirmation screen. He didn't understand what it meant. I then looked at the device. The issue I found was that the screen that followed was very confusing and misleading. The writing was smaller to cancel the purchase and less illuminated, the information provided was unclear, and to a young child he didn't know what to do. He did not play any games on the device and had it for less than a minute. The way that it is set up the "cancel" icon is a shade lighter and the way it is written implies that a purchase has already been made.

The confirmation screen offered two options. The first was, "Let's Play" and the second was to "Cancel \$1.99 purchase." The way it is written the charge has already been made just for clicking on the game icon. Even the way the two options were presented was not clear, especially to a young child.



When I asked for a manager while we were leaving she stated that this charge had been questioned over 20 times that day and for most people the establishment refunded the money. If 20 people a day were bringing this up that would mean that many more didn't notice the charge on their bill. Some customers may have assumed that this \$1.99 charge at the end of the bill was just another extra charge being added onto bills after service has been rendered. That has

become a common practice and deceptive in its own way. I told the manager to keep the \$1.99 as it would then remind me not to go back and patronize their restaurant.

On our way home my son asked if he did something wrong. That was what bothered me about this entire scenario. He didn't do anything wrong in my opinion. I should have checked the device before he grabbed it, but this deceptive marketing practice shouldn't be legal. Parental consent should be required if there will be an extra charge for an item like this at a family restaurant. Imagine if Chuck E Cheese allowed kids to play unlimited video games and then gave their parents a bill after the fact. It would be considered unethical. These devices are deceptive and unethical. Which I explained to my son and we used it as a lesson in how companies can sometimes take advantage of people, but I didn't like that it was done at an establishment we trusted.

My son's guilt is why I'm not going back and why I wrote to the legislature for the first time in my life. The owner of the Duluth Texas Roadhouse called me later after I spoke to the manager and said in the past week he personally refunded many people in the same situation. His response made me think of everyone who left and just paid the fee. It is wrong. It also made me think about the many people who had to complain and how other kids felt responsible. The owner then explained that the corporate side of Texas Roadhouse had made an agreement with Ziosk to add these devices. He also said that other restaurants were using them already. I was offered gift cards, but I refused. The situation left me disappointed that a restaurant encouraging the device's use and trying to cater to families would have a device that works in this manner.

Changing the way that these menus are presented on the device would support parents and avoid more unnecessary charges. These devices are at many very popular restaurants now. The fees add up and this company Ziosk is reaping the rewards. We have smart phones and ipads for kids to use. Most applications require parental consent before there is a charge. Being clear about these devices to customers should be a requirement for their use, but having some parental control before charging minors should also be a consideration. When looking at this online there were many posts from upset customers going back for several years.

On the Ziosk website the company lists this information about how the device can increase money that the restaurant makes saying, "Let Ziosk be your ultimate revenue booster with on-screen promotions, engaging content, and fun games that not only entertain guests but also drive incremental dollars.

Thank you, and I hope you can help to end this practice of charging a minor money without parental consent in a method such as this.

Sincerely,



Andrew Olson