



Certified Letter RRR and Certified Email

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Brussels, 3rd March 2021

Re: PS5 controller drift

Dear Madam, Dear Sir,

We contact you on behalf of Euroconsumers¹ and Test Aankoop/Test Achats, its Belgian national associated organization, because of the many controller drift problems consumers are currently experiencing with the PlayStation 5 ("PS5") DualSense controllers for the PS5 console.

The DualSense Controller is manufactured, marketed, and sold by Sony. It is the controller for Sony's latest and highly sought-after gaming console, the PS5. The DualSense Controller was released alongside the PlayStation 5 in November of 2020.

¹ Gathering five national consumer organisations (in Belgium, Spain, Italy, Portugal and Brazil) and giving voice to a total of more than 1.5 million people, Euroconsumers is the world's leading consumer cluster in innovative information, personalised services and defence of consumer's rights. We work closely together with Consumers International to ensure consumers are safe, that markets are fair and benefit from honest relations with businesses and authorities. Our European member groups are also part of the umbrella network of BEUC, the European Consumer Organisation. Together we advocate for EU policies that benefit consumers in their daily lives.

Sony described the DualSense controller as “bring[ing] gaming worlds to life,” and including “next-generation features like haptic feedback and dynamic adaptive triggers”. Contrary to these claims, however, the DualSense Controller is defective. Specifically, the DualSense Controllers that are used to operate the PS5 contain a defect that results in characters or gameplay moving on the screen without user command or manual operation of the joystick (so called “Drifting” or the “Drift Defect”). This defect significantly interferes with gameplay and thus compromises the DualSense Controller’s core functionality.

Sony has been on notice of the existence of the drifting phenomenon. Notwithstanding its knowledge of the “Drift Defect”, Sony has consciously failed to inform consumers, in a clear and exhaustive way, about an essential feature of the product, preventing thus an informed and conscious purchase choice.

Moreover, when consumers experience the Drift Defect, the options for repair are slim. Reportedly, Sony PlayStation’s dedicated portal for issues with PS5 hardware - including the DualSense Controller - is experiencing a backlog and is redirecting consumers to contact a customer service agent via the contact page for PlayStation support.

Even for in-warranty repairs of the Drift Defect, customers must pay for shipping the controller to a Sony repair center. These shipping cost vary based on a number of factors, including location and the total weight of the package, and are not reimbursed by Sony to its customers.

As a result of Sony’s unfair, deceptive, and/or fraudulent business practices, owners of DualSense Controllers have suffered an ascertainable loss and otherwise have been harmed by Sony’s conduct.

Accordingly, Sony violated several European and national laws on consumer protection including directives on unfair commercial practices and legal product guarantees.

As large, well established and experienced consumer organization, Test Aankoop/Test Achats, and all other national organisations gathered by Euroconsumers, gives voice to hundreds of thousands consumers, offers them innovative information, personalized services and defense of their consumer rights. As such it is currently also receiving many tangible complaints coming directly from consumers related to the defective PS5 controllers.

Considering the foregoing, we invite you:

1. to fully respect provisions on product guarantee, avoiding to charge consumers with additional costs to repair their PS5 controllers;
2. to compensate the affected consumers for the damages they suffered;
3. to stop offering defective PS5 controllers on the market and ensure a more sustainable version to consumers.

Test Achats and Euroconsumers are available and ready to start a dialogue with Sony to establish the best way to satisfy the above requests. However, in the absence of an adequate answer before 25th March, we will not hesitate to explore further legal action.

We look forward to hearing from you soon.

Sincerely,

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Test Aankoop /Test Achats



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Director Public Affairs & Media Relations
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