



For Immediate Release

07 October 2021

Media Contact:

Chloé Momas

chloe@thegoodlobby.eu

Built to fail (again): Nintendo's new "Switch" console

Brussels - 07 October 2021 - The new version of the Nintendo "Switch" console, the Switch OLED, expected on October 8th 2021, shows an unsolved technical problem with its controllers - an issue commonly called "Joy-Con Drift" - that prevents players from playing the game properly. Nintendo is quite aware of this flaw. Yet it still plans to roll out the new Switch with the old problem. Euroconsumers calls Nintendo to account.

"Joy-Con Drift"

The flaw in the controllers manifests itself after a couple of months, falsely reading input from the controller stick, as if the user has their thumb pressed down on the controller, causing the game character to move without the player even touching the device. This prevents the player from playing the game as intended. This issue is not new: it was already denounced extensively by users of the current Nintendo Switch, iFixit, and multiple consumer organisations.

Nintendo's inaction

This flaw has previously been raised with Nintendo. Firstly in January 2020, Test Achats/Test Aankoop, Euroconsumers' Belgian national organization, sent a letter of formal notice to Nintendo Europe GmbH calling on the company to repair all the defective products free of charge and to publicly communicate about the defect.

In January 2021, BEUC, the European umbrella group for 46 independent consumer organisations, launched an external alert to the CPC network about a widespread infringement with Union dimension of EU consumer law, related to the premature obsolescence of the Nintendo Switch.

On top of this EU action, two class actions have been launched in the US, and a Canadian firm has filed an application to begin a class action.

Nevertheless, Nintendo has taken no actions to remedy the flaw or alert consumers. It even issues a new Switch OLED with the exact same Joy-Con design, with the exact same inescapable defect. Meanwhile Nintendo keeps on putting a great deal of emphasis on the quality and versatility of the Joy-Con in its advertisements.

This early obsolescence is not only unfair and harmful to consumers, but also affects the environment, creating a pile of unnecessary and extremely polluting electronic waste.

Euroconsumers' call on Nintendo

In a letter Euroconsumers has confronted Nintendo with the above, asking them to:

1. Adequately inform consumers of the existence of the “Joy-Con Drift” and its impact on the expected lifespan of the Nintendo controllers on the packaging of the product.
2. Fully respect provisions on the legal product guarantee, without imposing any burden of proof on consumers or charging them with any costs to repair or replace their Switch controllers.
3. Provide clear contact details at Nintendo for consumers to report and resolve Joy-Con problems, and for Euroconsumers and its national organisations to address problems to that regard.
4. Resolve the technical “Joy-Con Drift” flaw and ensure a more sustainable version of the controllers. Euroconsumers, and its national organizations stand ready to deploy decades of technical and testing experience to support finding solutions.

Euroconsumers is available and willing to launch a dialogue with Nintendo in order to establish the best way to satisfy the above requests.

“Nintendo has a duty to its customers to provide functioning devices,” said Marco Scialdone, Head of Litigation and Academic Outreach at Euroconsumers. “To knowingly continue selling these game consoles when they are defective is a breach of EU consumer law. We expect Nintendo to do the right thing and work with us to find a solution for consumers.”

“While on one hand Nintendo pretends to commit to the green transition and serve consumers, its continued distribution of faulty electronic devices shows it’s true lack of genuine commitment,” said Els Bruggeman, Head of Policy and Enforcement at Euroconsumers. “Early obsolescence results in more electronic waste, which is particularly difficult to dispose of. This shows a regrettable lack of respect for both the environment and consumers.”

About Euroconsumers

Gathering five national consumer organisations 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.