



RESPONSE OF BIG GAME TELEVISION LIMITED TO THE ICSTIS CONSULTATION ON CALL TV QUIZ SERVICES

Introduction

1. Big Game Television Limited ("Big Game") welcomes this opportunity to respond to the ICSTIS 'Call TV Quiz Services Review' (the "Consultation").

Question 1: do you agree that the provisions for pricing transparency should be strengthened in the way...set out in the revised Statement of Expectations?

2. Big Game has no objection to the idea of mandating a spoken pricing announcement at intervals of no longer than 10 minutes. Big Game has already changed its policy (which was previously to make such an announcement at least four times each hour) as a matter of best practice.
3. Big Game also has no objection to the principle that the pricing announcement should make clear that the cost will apply regardless of whether the entrant is successful in getting through to the studio or not. We believe that we have always made this clear to our viewers in any event.

Question 2: do you agree with our assessment of Option 1?

4. As regard's ICSTIS's observations on the issue of transparency insofar as it relates to *chance* (as opposed to transparency of *pricing*, which is discussed above), Big Game has the following comments:
 - 4.1. Big Game is not convinced that anything but a tiny minority of its viewers does not understand the random nature involved in the first stage of participation (as stated on page 23). Nonetheless, Big Game is happy to strengthen its spoken announcements to stress this randomness. We are currently reviewing our presenter scripts and will make any changes we consider necessary to ensure that the randomness of our competitions is made crystal clear.
 - 4.2. Big Game is also not convinced that because "*the actual chance of getting through to air is not known*" somehow this means that "*the services mislead by omission*" (page 23). It is important to distinguish two situations: first, where calls are being taken to air at a reasonably constant rate, and secondly, where there is an unusually long gap between calls. In the first situation, there is no way that any caller could be misled by omission – the chances of getting through are unknown (because they depend on how

many other people are calling at the same time), but the number of calls being answered is constant. In the second situation, Big Game accepts that there is a possibility of callers being misled, if it is not made clear that calls may not necessarily be taken at regular intervals. This situation arises most commonly after a clue has been given – before the clue, calls are typically taken in quick succession, but once the clue has been given, it may (or may not) be longer before the next call is taken.

Big Game accepts that, for those viewers who are not familiar with Call TV, *“periods of airtime with no participation by viewers may give them the impression that no-one is trying to get through and that the chances of winning are high”* (page 23), but has put procedures in place to ensure that viewers are never misled. For example, a clock is often put up alongside a clue, and the presenter will inform viewers that the next call will be taken some time before the clock hits zero. By explaining that a call will be taken randomly during a set period (denoted by an on-screen clock) Big Game makes sure that, even where the taking of calls through to the studio is slowed down, viewers are fully informed. The fact that calls might have been taken more frequently in the preceding five minutes will not create an expectation that that will inevitably continue, provided that the presenter has explained what is going to happen when putting up the clock.

We would be happy to discuss our procedures with ICSTIS, and to make any amendments that ICSTIS may consider to be necessary. However, we do believe that through explaining what we are doing, we avoid misleading our viewers. We are taking this opportunity to re-review our presenter scripts and (if necessary) will make changes to ensure that everything we do is crystal clear to our viewers.

- 4.3. For these reasons, Big Game does not believe that its current practices mislead its viewers, and consequently we do not believe that it is no longer an option to ‘do nothing’. If any service misleads its viewers, the solution must be to enforce against that breach of the ICSTIS Code. We would have no objection to new rules expanding on the basic rule that no service may mislead consumers (e.g. giving specific examples of things that ICSTIS would consider misleading in the context of Call TV), so long as those rules were not unduly prescriptive – indeed, Big Game has put detailed guidelines in place that expand on the ICSTIS Code and give specific examples of things that presenters must not do or say lest they mislead our viewers. But new rules in connection with any caller’s chances of success would miss the point, because such rules have nothing to do with whether or not a service is misleading.
5. Big Game believes that it is very important to distinguish between viewers being aware that call selection is random (and that any individual caller’s chances of getting through will depend on the number of other people calling at the same time), and viewers being aware of the actual chances of getting through. It is clearly absolutely crucial that callers are aware of the former – and, as stated above, Big Game is perfectly willing to strengthen its spoken announcements to make this crystal clear. To require the publication of actual odds, however, is to impose a regulatory burden that Parliament has decided to impose on gambling

services, but not on prize competitions or free draws (the legal categorisation for most Call TV competitions). Real life is full of examples of people buying a chance, without being able to quantify that chance in any way.

6. For example, tickets to major sporting events are often in very short supply, but clubs or sports governing bodies often set up supporters clubs, among whose members tickets are distributed. Often supporters will pay large sums of money to be a member of such a club, solely or primarily in order to gain a chance of being allocated a pair of tickets that could not be bought on the open market. The supporter does not know his chances of being allocated those tickets – he only knows that the club has a set number of tickets to allocate, and that they will be allocated by ballot between the club members. In other words, his chances depend on the number of people he is up against. This is a direct comparison with Call TV – the “supply” side is known, because viewers can see how many calls are being answered live on air, and are (or should be) told if there will be any decrease in that number (see paragraph 4.2 above); the “demand” side, on the other hand, is not known and depends entirely on how many people are taking part in the competition at the same time. Similar situations arise in the vast majority of competitions in newspapers, on television, or on radio – no entrant knows how many other entrants (s)he will be up against, and so does not know his/her chances of success. Call TV is no different.
7. Big Game therefore considers that it would be unjust to impose on the Call TV sector a requirement to publish odds, when no other non-gambling service is required to do so, and when there are several other examples of consumers being perfectly willing to buy a chance without having that chance precisely quantified.
8. We believe that the call for regulatory change on this subject has been fuelled by adverse media reports, most of which have been based on inaccurate reporting of facts. We believe that consumer trust can be rebuilt without the imposition of new rules, provided that all Call TV broadcasters are rigorous in explaining their gameplay in the ways explained above. Moreover, we consider that the new rules proposed by ICSTIS could easily damage consumer trust still further, because we do not believe that it is feasible to supply information on call success rates (or similar) without risking misleading viewers. We discuss this further below.

Question 3: do you agree with our assessment of Option 2?

9. Big Game agrees with ICSTIS's assessment of Option 2.
10. We would stress that it would be impossible for us to supply real-time information on call volumes and/or the chances of getting through to the studio (and we do not have such real-time information ourselves, since there is a delay in the information received in the producer gallery). We also believe that the information would be extremely confusing, and we would be extremely worried about misleading our viewers.

Analysis of Option 3

11. Before answering question 4, we would like to comment on Option 3.

12. We have no objection to *“presenter scripts that make it clear that for most participants their call will not result in a successful outcome”* (page 25). We believe that we make this clear anyway, but (as stated above) we are reviewing our presenter scripts and will make any changes we consider necessary.
13. We have severe reservations about the proposal that there should be *“frequently updated (to as recent a time as possible) information on screen for consumers as to the actual chances of getting through to the studio, by whatever means, over recent blocks of programming”* (page 25). Call volumes fluctuate wildly – from day-to-day, hour-to-hour and minute-to-minute. Our call volumes do not follow any sort of discernible trend – one day of the week is not necessarily like another, nor like the same day the previous week. The information we receive in our studio is two minutes old – but in that time, a huge amount could have changed. We get very sudden peaks and troughs in call numbers – over the space of less than a minute, a caller’s chance of getting through could fluctuate from perhaps 1 in 5 (say) to 1 in 100. This means that the information we put on screen would very often be wildly inaccurate. We are happy to discuss (on a confidential basis) our call volume statistics with ICSTIS, if it would be helpful.
14. Not only do odds fluctuate, there will inevitably be ‘positive feedback’ from the publication of odds which will tend to make those odds out of date even sooner than at present. For example, if we display odds of 1 in 5, we will inevitably receive a large number of calls, so that the odds will be dramatically reduced within a very short period of time. Conversely, the publication of odds showing that any caller has only a very long shot at success will discourage further calls, and very quickly the call level will drop and the chances of being selected will therefore increase!
15. Given the violence of the fluctuations in call volumes, odds that are updated *“to as recent a time as possible”* are not an option. We do not, however, consider that more long-term information (perhaps giving average odds over the past day, or past week) is a suitable option either, because it would be almost (or even entirely) meaningless. Again, we are happy to show ICSTIS call volume graphs, the spikes and dips in which demonstrate why we feel there is no way to provide information on chances of success without misleading viewers. In short, we believe that the proposal would do more harm than good.
16. For the record, we also believe that the costs involved in delivering information on chances would, for us, be prohibitive.

Question 4: what are the best technical means and media through which this principle could be delivered and promoted with minimum disruption to the service quality and potential for consumer information overload?

17. As stated above, we do not believe that the principle referred to is appropriate.
18. We have reviewed the options for delivery of this principle, both internally and with our telephony service provider, and believe that the issue is fraught with difficulties (not least that we would be in danger of breaching Ofcom’s Broadcasting Code and/or the ICSTIS Code, through misleading). Given that we do not believe any of the currently-identified options are viable, we do not consider it appropriate to

discuss them here. Nonetheless, we wish to be constructive and take part in the debate, and will review the suggestions of other industry participants with interest.

Question 5: if you do not agree with any of our assessments presented in Options 1, 2 or 3 above, what alternatives would you suggest?

19. As explained above, we do not agree that ICSTIS should impose a requirement to publish a caller's chances of getting through to the studio. We stress that we say this despite the fact that we are convinced that this would give us a competitive advantage, since our callers' chances of getting through to Big Game TV! are significantly better than the chances of an ITV caller's (for example). However, we simply do not think that this exercise can be done without misleading viewers, and we are not prepared to do that. Since the ICSTIS Call TV summit on 29 January, we have been investigating ways to display odds, but we have simply been unable to find a way that we are satisfied would not mislead. If we could find such a way – perhaps with ICSTIS's help, or through some sort of cross-industry consensus – then we would be happy to consider implementing such a scheme.
20. If, as we suspect, it is not possible to give information on a caller's chances of getting through to the studio without risking misleading viewers, then we would simply suggest that all Call TV operators should review their presenter scripts, to ensure that the gameplay of each game is made 100% clear to viewers, to avoid any possibility of anyone being misled (whether by anything that is said or done, or by omission). Provided that this is done, we do not consider that further regulatory intervention is needed – just rigorous enforcement of the existing rules¹. As we have already said, we believe that it should be a rock solid principle that viewers must be clearly told how a game works; but we do not believe that viewers need (or necessarily expect) to be told their chances of getting through.

Question 6: do you agree with our proposal for call warnings and are there any other suggestions as to how the possibility of excessive use by consumers may be minimised?

Call warnings

21. We have no objection to the principle that call warnings should be provided to callers at regular levels, e.g. every 10 calls made. We are liaising with our telephony service provider with a view to upgrading our system to secure this functionality (since although we have always had a frequent caller warning system, we would like to make it more sophisticated).
22. The suggestion to mandate a call warning for every *£10 spent* is, unfortunately, not technologically feasible. The cost to any individual caller will depend on that caller's telephony network. Big Game has no information as to what its callers spend when calling its services – all we know is the cost of a call if made from a BT landline, and that the cost will vary when made from a mobile or a different landline network. Instead, the system will have to count the number of calls *made*.

¹ Although, as stated in paragraph 4.3 above, we would have no objection to new rules expanding on the basic rule that no service may mislead consumers (e.g. giving specific examples of things that ICSTIS would consider misleading in the context of Call TV).

23. It is also not technically possible to play call warning messages to callers who withhold their numbers.
24. We would add that we feel that frequent caller warnings will benefit the industry, as our long term success depends on attracting a large number of viewers who play 'little but often', rather than high spending callers who make a large number of calls before stopping as a result of 'bill shock'.

Other measures

25. We defer to our telephony service provider on the feasibility of call capping, but we have been advised that it is not possible to stop charging callers once the cap has been reached, and in those circumstances we do not consider that a cap would be appropriate.

Concluding remarks

26. As a general comment, we note that the Call TV industry has now been around for two years, and we believe that there are very few consumers who do not now know how the competitions work, and also that this number will decrease still further over time. It is not our experience, from the feedback (some positive, some negative) that we receive from our viewers, that consumers do not understand the proposition or how it works. Although the industry has undoubtedly had some teething troubles, that does not mean that additional regulation now will help. Viewers are becoming more and more familiar with Call TV as a proposition, and there is consequently less and less need for intensive regulation at this stage.
27. Finally, we welcome ICSTIS's review of the Call TV sector and repeat our enthusiasm to take part in the debate on future regulation of the industry – please let us know if we can assist further in this process.

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