

Call TV Quiz Services Review

Response to ICSTIS

March 2007

Introduction

The Citizens Advice Bureaux (CAB) network is the largest independent network of free advice centres in Europe, providing advice from over 3,200 outlets, ranging from GPs' surgeries, hospitals, community centres, county courts and magistrates courts, to mobile services both in rural areas and to serve particular dispersed groups. Citizens Advice also currently acts as the UK European Consumer Centre (ECC) providing advice and information helping consumers to resolve disputes within the European Union.

The service has two equal aims:

- To ensure that individuals do not suffer through lack of knowledge of their rights and responsibilities or of the services available to them, or through an inability to express their needs effectively;
- And equally, to exercise a responsible influence on the development of social policies and services, both locally and nationally.

General Comments

Citizens Advice is pleased to have the opportunity to comment on the changes ICSTIS propose to their statement of expectations in respect of the Call TV Quiz industry. In 2005/6 the CAB service in England, Wales and Northern Ireland dealt with 5.5 million new enquiries. Of these enquiries approximately 11,600 related to land- line telephones and mobile phones, with a further 43,800 phone debt enquiries and 3,900 enquiries about TV issues.

While issues relating to telecoms form only a small percentage of the issues which we deal with, their impact can be significant on CAB users who tend to be in social grades DE or unemployed.¹

In November 2006 we provided both written and oral evidence to the Culture, Media and Sport Select Committee inquiry into Call TV Quiz Shows. A copy of the written evidence is attached. CABx evidence indicates that the level of the charges incurred when clients are contacting call TV quizzes, and the speed at which debts can be amassed, leads to prolonged disputes. In summary, our concerns are that:

- the information about call charges to quiz TV sites is not clear enough;
- CAB clients find themselves in large amounts of debt due to the costs incurred; and

¹ Financial Overcommitment, research study conducted for Citizens Advice by MORI, July 2003

- the lack of clarity about charges causes confusion and protracted disputes over the number and costs of calls.

Citizens Advice has been involved in recent discussions of the Cash Machine Working Group (which includes LINK, cash machine operators and consumer groups among its membership), which has looked at improving the signs that are displayed on and around charging cash machines. It seems to us that there are some clear parallels to the consideration of warnings given to consumers about participation in TV Quiz shows.

Our recommendations within written evidence to the Select Committee were:

- **that warnings about call charges are displayed more prominently and regularly on screen and should conform to a minimum font size and style such as those prescribed in Disability Discrimination Act guidelines or RNIB Clear Print guidelines.²**
- **that it should be made crystal clear that even unsuccessful calls will result in a premium rate charge being made for the call. This information could form part of the information provided to a consumer when seeking their consent to be charged for a premium rate call.** Making such information more explicit would also be in keeping with the provisions of the Unfair Commercial Practices Directive which lay down the information which must be provided to consumers - including price - so they can make an informed decision to buy or participate in a service.³
- **there should be a duty on the TV channel to regularly inform callers that they have incurred costs amounting to e.g. £10 and asking them if they are happy to continue.** Such warnings should be repeated at every increment of £10 calls incurred. Consideration should also be given to imposing overall call or spend limits, so that there is a maximum cost to consumers.

We are pleased that ICSTIS is working together with OFCOM and the Gambling Commission to address consumer detriment in this sector.

2

http://www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_printdesign.hcsp

³ The Unfair Commercial Practices Directive (UCPD) was adopted on 11 May 2005. It must come into force on 12 December 2007. Article 7, Paragraph 4 of the UCPD relates to misleading omissions. The text of the Directive is available at: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_149/l_14920050611en00220039.pdf

Response to consultation questions

We have responded below to the specific questions posed in this consultation about proposed changes to this ICSTIS Statement of Expectations.

Two recent cases reported by CABx since the Select Committee Inquiry detail huge bills and illustrate the importance of several elements of the proposed changes, including:

- the ease with which some consumers are spending huge sums on contacting Call TV quizzes, without realising the cumulative costs being incurred;
- the need for further warnings about costs and charges; and
- the importance of and reliance upon cut offs to prevent huge expenditure in a limited time period.

CAB clients in South-East London sought advice when they received a phone bill for £15,000. They had called a TV quiz late at night and had the quiz's number on speed dial. They cannot pay and are considering bankruptcy. The bureau commented on the easy access to expensive lotteries on the TV that make it look easy to win, with no regulation by the phone provider. They suggest these quizzes should introduce spending limits and better consumer costs awareness.

A CAB in Lancashire reported a case where the charge for contacts to a night time quiz programme was £1.03 per minute. The terms said callers were restricted to 100 calls per show but whilst the website did stop calls beyond the 100 limit the phone line did not. The client had been able to phone up to 300 times. Calls totalled £5,197 on a work mobile, which the client is being asked to pay. The bureau sited lack of supervision of game shows using premium rate lines as the root of the problem.

Q1 Do you agree that the provisions for pricing transparency should be strengthened in the way described above and as set out in the revised Statement of Expectations?

We agree that there is a need for more regular spoken price warnings and agree that the proposal for this to be a requirement at least every 10 minutes is important. It seems to us that most people watching TV quiz programmes are more likely to be engaged by what the presenter says than by information that only appears on screen. We also see no reason for not including the free entry route in the same provisions for a spoken warning at least each 10 minutes during the programme.

In addition we consider that it is essential that presenters tell viewers about the cost of **each** call rather than the cost of **a** call. We believe that the cumulative cost of taking part is not clear and that this could bring the ICSTIS code into disrepute since its main objective is that of clarity of premium rate call costs.

Question 1 makes specific reference to the revision of the Statement of Expectations. We agree the changes suggested are all necessary and have made additional suggestions in the text of this response. We were not able to see any reference in the changes that might affect the failure of some Call TV quizzes to prevent participants being charged for call made when there is no chance at all of getting through to the programme because the programme is a repeat. Consumers have a zero chance to win but are still charged the premium rate for their call. This should also be addressed in changes to the Statement.

Q2 Do you agree with our assessment of Option 1?

Yes, we agree that to do nothing to better inform consumers of their chances of getting through to Call TV quizzes is not an acceptable option for ICSTIS. ICSTIS research shows that one in five people participating do not appear to understand the random nature of their chances of getting through to gain the opportunity to be put through to the programme. It is not clear from the research whether or not these consumers thought that the selection relied on a first come first served basis or whether such a belief influenced them to repeatedly call the quiz phone line/ email.

The chance element of this genre is, we feel, a crucial one. We believe consumers should be better informed about this and that this is an important issue in deciding whether Call TV quizzes are a form of gambling or not.

Q3 Do you agree with our assessment of Option 2?

We agree that it is important that consumers are told what the 'odds' or chances of their getting through to the programme are. We appreciate that there are technical issues but perhaps the phone provider networks can offer a solution. When we see TV broadcasts for events like Red Nose Day there appears to be a cumulative indication of the numbers of calls made or sums promised. Perhaps the same techniques could be employed to ascertain the ongoing calls into a live quiz. If so, it should be possible to show the numbers of callers actually allowed through, as this seems to be an editorial decision pre broadcast, and from this the 'odds'.

Q4 We would welcome views, especially but not exclusively from providers, as to 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. We would be willing to assist in this process by facilitating a working party to consider the various options.

We agree that option 3 is the minimum acceptable level of information that consumers need in order to decide whether to participate and that the following information would be useful:

- how many entrants have tried to get through;
- what proportion of callers have been taken to air; and
- number of calls in the last hour (or another time period)

Please also see our response to question 3 above.

Q5 If you do not agree with any of our assessments presented in Options 1, 2, or 3 above, what alternatives would you suggest?

It is not yet clear whether the Call TV Quizzes will or will not be caught under the provisions of the Gambling Act. We agree with the assessment made by the Culture, Media & Sport Select Committee that they have the look and feel of gambling.

We are also concerned as to whether the current level of information provided to consumers would meet the criteria set by the Unfair Commercial Practices Directive (UCPD). Whilst we appreciate that the Directive provides for sector specific national rules on gambling to take precedence, if no relevant rule is in place, the UCPD might fill the gap. Indeed filling existing gaps in consumer protection rules is a specific function of the Directive. If the UCPD were used to assess whether current Call TV Quiz practice is unfair, we suggest that misleading information given by a presenter, such as any indication that nobody is ringing; and the omission of material information a consumer needs in order to be able to decide to participate, such as the odds of getting through to the program and the random nature of first stage participation, might be amongst those matters UCPD could address. It may be worth ICSTIS engaging in further discussion with OFT and DTI who are currently drafting guidance to UCPD for its transposition into UK law.

Q6 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?

We are pleased to see the inclusion of the new requirements at the top of page 29, providing for warnings to consumers when they have spent £10 and thereafter at £10 intervals.

However, we are concerned that the £10 warnings proposed will not be available where a phone number has been withheld, for example to avoid threatening phone calls, and suggest that the option for warnings receipts should be highlighted by presenters, so that people can opt to engage with the process whilst continuing to withhold their number in other circumstances.

In addition, we consider that there is a need for consumers to be able to stop repeat calling from their number once their own chosen limit has been reached. We believe that the hype associated with Call TV quizzes makes this ability to self-protect necessary. The research ICSTIS commissioned indicates that a small number of people are spending very large amounts and, although there is no evidence to date of addiction, we see no reason why phone line providers should not offer a cut off service to help families who might find themselves seeking to combat this in the future. As with other phone provider services it could be offered at the inception of that contact as well as being available later and will become more important as this method of funding TV grows. We feel that there should be more engagement with phone line and air time providers in this debate, since they make a profit from these calls too.

Free web entry routes - Are we confident that these are genuine alternatives?

In response to the section of the consultation looking at this issue, we have some concerns as to whether all those who engage with Call TV quizzes have access to the internet. Only 41% in the ICSTIS sample, reported at page 10, knew about this method of access and only 4% of the total sample had used it (15% of those in the sample who had played – page 11). We agree with the consultation that this may need further investigation if it is the key to Call TV quizzes claiming to fall outside the provisions of the Gambling Act, not least since all home internet access is paid for, either to the phone provider for dial-up internet services or to a broadband provider.

If you have any queries about this consultation response please contact Susan Marks on Tel: 020 7833 7132, or email: susan.marks@citizensadvice.org.uk