

# **ITV response to ICSTIS' consultation on the Call TV Quiz Services Review**

## **Introduction**

This response is made on behalf of ITV Plc and SMG. ITV Plc and SMG are hereafter referred to as 'ITV'.

ITV welcomes the opportunity to respond to ICSTIS' consultation on proposed revisions to the Statement of Expectations arising from the review of Call TV Quiz Services. The review has taken place amidst a good deal of political and press attention, some of which has been misleading and created confusion about the sector. However, ITV recognises that such commentary and regrettable recent incidents involving premium rate services have contributed to a loss of consumer confidence in the sector. As a responsible broadcaster, ITV believes it is vital that premium rate activities are operated fairly and transparently and in such a way that viewers have confidence in them.

As a mark of this commitment, ITV recently launched a comprehensive audit of all its PRTS activities – including ITV Play programming, premium rate phone-in competitions and voting<sup>1</sup>. The review covers all current programming and a retrospective review of programming over at least the last two years. ITV is confident that its premium rate activities are compliant but we want to reassure viewers that we are offering services that are fair, transparent and accountable.

ITV is also keen to work with ICSTIS and other operators to re-build consumer confidence through both regulatory and self regulatory actions. ITV welcomes the broadly pragmatic and proportionate approach that ICSTIS proposes to take in revising the statement of expectations, which we believe in the main strikes an appropriate balance in allowing operators to continue to provide entertainment programming that viewers enjoy and ensuring that the consumer interest is safeguarded.

ITV's activity in the call TV quiz sector is based around ITV Play, which broadcasts as a stand alone digital channel and in programme blocks on ITV1, ITV2<sup>2</sup> and Men and Motors. ITV launched ITV Play in April 2006, following a trial which showed strong viewer demand, and offers a range of games, quizzes and competitions in which viewers have an opportunity to take part to win a prize. Viewers have the option of participating either by dialling or texting a premium rate number (currently charged at a flat rate cost of 75p) or via a free route of entry through the website, [www.itv.com/play](http://www.itv.com/play).

<sup>1</sup> SMG's regional output broadcast by STV is not covered by ITV's comprehensive review but SMG has undertaken an internal review of its regional PRTS output.

<sup>2</sup> ITV1 is branded as STV in Central and North Scotland, as "UTV" in Northern Ireland, and as "Channel Television" in the Channel Islands.

Since launch, ITV Play programming has driven forward editorial innovation in quiz TV, by offering a variety of entertaining formats based around viewer enjoyment regardless of whether they choose to take part. This includes, for example, celebrity interviews in The Mint and new formats in Glitterball. ITV views quiz TV programming as a development of the traditional TV gameshow that has existed for several decades, but that has developed to allow people to take part from their home in a more directly participative way. It is notable that the majority of viewers do not in fact choose to take part but simply enjoy watching the programming – for ITV1 programming some 80% do not take part, reflected by ICSTIS' own research which also shows that the majority of viewers do not choose to participate.

ITV Play is committed to setting the highest standards of consumer protection and transparency in the sector. Measures that ITV has in place include:

- Regular and prominent information about the entry routes, including details of cost in on screen graphics and presenter references, as well as the free route of entry via the web. ITV makes clear that calls will be charged whether successful or not.
- Presenter reminders to play moderately and within their means.
- A code of conduct for all suppliers and compliance training for presenters and producers.
- Regular in-call reminders every 10 calls made. This is repeated every 10<sup>th</sup> call and made in a distinctive voice at the front of the call.
- Daily limit on entries (currently limited to 100 per day).
- In-house customer care team who proactively monitor and regularly contact a sample of callers.
- Questions and answers are lodged in advance of all programmes with ITV Play's senior management and legal team.

Many of these existing measures are in line with the recommendations put forward by ICSTIS in the consultation document. However, ITV Play is committed to keeping its consumer protection mechanisms under constant review. With this in mind, ITV has given serious consideration to all of ICSTIS' recommendations and will continue to enhance consumer protection measures where doing so is workable, proportionate and effective, to help the quiz TV market develop according to the very highest standards.

ITV will now turn to the specific questions raised by ICSTIS in the consultation document.

## Transparency

### **Question 1:**

***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 on pages 27-29?***

ICSTIS proposes to strengthen the statement of expectations to require operators to provide spoken pricing information at intervals of no more than 10 minutes. ITV believes it is important that presenters of quiz TV programming make regular and frequent references to the cost of taking part to ensure that games are operated transparently. As such ITV supports the ICSTIS recommendation, which is in line with ITV Play's existing practices. ITV plans to provide added security by requiring ITV Play programme suppliers, through its supplier code of conduct, to provide spoken pricing information at intervals of no more than nine minutes. In addition, the supplier code of conduct requires on-screen graphics to show the cost of entry every 60 seconds.

### **Question 2:**

#### ***Option 1: do nothing***

***Do you agree with our assessment of Option 1?***

ITV believes that ITV Play programming provides clear information to enable viewers to make an informed decision about entry. This includes clear and regular information about entry options, the cost of participation and reminders that the cost will be charged whether players are successful in reaching the studio or not.

However, ITV also recognises that the sector as a whole will benefit from enhanced consumer confidence and that operators should look at ways in which transparency might be strengthened. With this in mind ITV is willing to explore options to ensure that quiz programming is as transparent as possible.

### **Question 3:**

***Option 2: publication on-screen of the actual 'chance' or 'odds'; provided in dynamic and updated form***

A number of the discussions about quiz TV have called for operators to put the actual 'chance' or 'odds' of getting through on screen. This approach is somewhat ill-informed in assuming that quiz TV functions in a similar way to fixed odds betting services where the actual odds can be accurately calculated before an event or competition commences.

Quiz TV works in a rather different way with the chance of success in a game or competition subject to continual change depending on the number of people participating at any one time. ITV welcomes ICSTIS' recognition of the inherent difficulty of providing accurate real time information about the number of people playing at a given moment, and that this might prove more

misleading than helpful. ITV agrees that it would not be proportionate or effective to provide live information about the actual number of calls or participants without it being out of date almost immediately as entry volumes fluctuate so quickly.

**Question 4:**

***Option 3: increased transparency about rates of rejection/acceptance at the initial stage***

ITV concurs with ICSTIS that a more appropriate way of improving transparency about the chances of getting through might be by displaying recent or typical historical information about the number of participants or entries, such as the number of entries received in a recent time block.

ITV has been trialling a number of options to examine how this information might best be measured and displayed. These trials have included presenting information about the number of calls and callers across a timeframe, such as in the previous minute. ITV has also been testing a variety of ways to display such information, including graphic representation on screen and incorporation into presenter references. ITV already ensures that presenter scripts make clear that not all calls will be successful, including by reference to the 'chance' of getting through.

ITV is still conducting trials and considering the most appropriate course of action. Before reaching a decision, ITV believes it is important to ensure that the viewer interest is genuinely being served with information that is clear, uncluttered and meaningful. ITV's trials have shown that it is not as straightforward as simply putting up numbers on screen that might not necessarily aid the consumer experience.

Furthermore, ITV believes that in amending the statement of expectations, ICSTIS should ensure that there is sufficient flexibility for operators to introduce information about call volumes or chances in a way that best suits individual services and programmes, depending on their style and format. While ITV agrees with the rationale for introducing this level of transparency, as operators adapt there should be scope to experiment and find the model(s) that work most effectively.

**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?***

ITV does not have any further proposals, but would urge ICSTIS to allow operators the time and flexibility to experiment with various models to incorporate information about chances, including the way in which it might be calculated and presented. ITV would welcome ongoing dialogue between operators and ICSTIS to share ideas and develop best practice in what is a complicated area.

## **On screen statements**

### **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 might be minimised?***

Since launch, ITV Play has been committed to ensuring that participants are alerted when making higher level volumes of calls. While this relates to a minority participants, we believe it is important to provide reminders about how many times viewers have taken part. ITV presenters recommend viewers to play within their means, to set personal limits and to make no more than around five (paid) entries. ITV is pleased to note that this is broadly reflected in average play patterns, with participants making an average of 6 entries per session.

However, for those players who participate more often, ITV has put in place an in-call alert system to remind callers every 10 calls they make. This provides a reminder at the front of the call in a distinctive voice to the rest of the phone message to ensure that it is prominent. The message is repeated at intervals of around every 10 calls.

While ITV supports the intention behind ICSTIS' suggestion that such in-call information should be made according to the amount spent (e.g. every £10 spent) rather than by call volume, ITV is concerned that this might lead to the information provided being inaccurate to some viewers. While calls are charged at a flat rate fee of 75p from a BT landline, the cost from other telephone operators may vary. ITV states frequently that call costs may vary, but we have no way of knowing the cost of each individual call as this information is privileged to the telephone operator. As such, quiz TV operators could be in danger of providing inaccurate information that does not reflect the actual amount being spent. Information about the number of calls made by a telephone number has the benefit of being more accurate.

Under the current information available to ITV, the preference would therefore be to continue to provide call volume information at regular and frequent intervals, as currently provided. However, ITV would welcome further dialogue with ICSTIS about ways in which more information might be provided to broadcasters relating to the exact cost of calls from individual telephone lines, which in turn we could make clearer to viewers.

## **Conclusion**

ITV welcomes ICSTIS' consultation and the broadly sensible and proportionate approaches proposed. ITV agrees that if the quiz TV sector is to survive and flourish consumer confidence is paramount. This requires more than pure regulatory action, and ITV is keen to do all it can to help the sector develop responsibly. It is for this reason that ITV has already put in place voluntarily almost all of the recommendation put forward by ICSTIS.

But it is also important to react proportionately, based on evidence and in such a way that will genuinely help consumers rather than by responding to the sometimes misinformed views of some opinion formers. We believe that consumer trust can be aided through more transparency, and that operators will need to consider carefully how best to implement the proposals put forward by ISCTIS. This may take time to experiment with the best solutions and ITV believes that some flexibility will be required. But in time, ITV believes that such measures will help ensure that quiz TV can continue to provide an enjoyable form of entertainment programming in which viewers can participate without uncertainty or anxiety about the terms of doing so.

**Ends**