

Mark Collins
Policy Executive
ICSTIS Ltd
Clove Building
4 Maguire Street
London SE1 2NQ
mcollins@icstis.org.uk

12 March 2007

Dear Mr Collins,

Call TV Quiz Services Review: Analysis and Consultation Document

Optimistic Media Ltd welcomes the opportunity to respond to ICSTIS' consultation on changes to the 'Statement of Expectations for Call Quiz TV Shows'. We are a television and radio production company that has pioneered interactive participation television in the UK and have led the way in introducing consumer safeguards to the format.

We operate our own Code of Conduct which already seeks to go further than the current Ofcom and ICSTIS guidance and which is available on our website www.optimisticmedia.com/company_codeofconduct.htm. Optimistic Media has also recently responded to Ofcom's pre-consultation on Participation TV and how it should be regulated.

We believe that it is essential to restore public confidence in quiz and call TV, which has been impacted by the negative publicity around premium rate competitions. We welcome ICSTIS' robust response to recent allegations of misconduct against some providers of premium rate services. Optimistic Media are confident that any review of our services would reassure the public of the strength of the consumer safeguards which we have in place, but we acknowledge that as an industry sector there needs to be greater convergence towards higher standards. We recognise the importance of the steps that ICSTIS announced on 08 March 2007, and look forward to further dialogue with ICSTIS and the industry.

We are happy for the contents of this submission to be made public and would be delighted to meet with the ICSTIS team to discuss any of these issues in more detail. Furthermore, should ICSTIS wish to visit our studios in person to witness our procedures and the operation of our Code of Conduct, we would be pleased to make the necessary arrangements.

Yours sincerely,



David Brook
Chairman
Optimistic Media

ICSTIS Call TV Quiz Services Review

Submission by Optimistic Media

March 2007

Executive Summary

- As a pioneer in consumer protection in the Participation TV sector Optimistic Media are enthusiastic to see standards raised across the sector. In this respect, we therefore welcome ICSTIS' reassessment of the Statement of Expectations.
- Optimistic Media welcome ICSTIS's proposal for a mandated spoken price announcement at no later than each 10 minute interval of a programme.
- Optimistic Media welcome moves to make the industry more transparent and believe that our own practice of publishing on screen the number of participants in each round of a quiz provides meaningful information which viewers and participants can use to make an informed decision about entry. This should be taken as an industry model.
- Optimistic Media express reservations as to the necessity or practicality of verbal interjections which explain the number of calls getting through to the studio. We believe this would represent a serious handicap to the editorial content of our shows.
- Client confidentiality, and the commercial sensitivities prevent us from publishing on screen the *total* number of calls made in each round (as opposed to unique callers). Optimistic Media has therefore responded to these limitations by being transparent about the number of *people*, or unique entrants, participating in each round of a quiz. This includes those who participate through a free route of entry.
- Optimistic Media supports the ICSTIS proposal of a system of call warnings and already provides a pioneering risk management programme which introduces automated warnings after the tenth call in a day to one of our shows.
- Optimistic Media agree that, within the recent context of media interest in Participation Television, the "do nothing" option will not deliver improved public confidence in the Participation TV industry.

1. About Optimistic Media

- 1.1. Optimistic Media (OM) is a leading international producer of interactive entertainment content. Our programmes are widely distributed in the UK and internationally via a growing network of third party broadcasters. Our Emmy nominated multi platform content formats are developed for television, radio, the web and mobile platforms, and are sold to major media companies around the world. Since 2003, Optimistic Media has supplied broadcasters in the UK, France and the USA high value participation programmes delivering new sources of revenue by effectively utilising off peak hours.

1.2. Optimistic Media currently make programmes for the following broadcasters: MTV; TF1; the Game Show Network; and GCap radio and UTV radio. Programmes produced by Optimistic include:

- Playmania
- Pop the Q
- Quiznation
- Cash Call (radio)
- Cash Time (radio)
- Play Sudoku
- Flipside
- Dare

1.3. Optimistic Media (OM) has pioneered a range of safeguards and is the industry leader in promoting responsible practice in relation to the Participation TV quiz shows that we host. We are proud that our shows have not been subject to serious complaint, as others may have been.

1.4. Some of the innovations made by Optimistic Media in terms of consumer safeguards include:

- The creation of a Code of Conduct
- On screen publication of the number of players in each quiz round
- Implementation of a call warning system
- Transparent communication of the terms and conditions at intervals of 5 to 10 minutes
- Process and send winners prize payments by the next working day

1.4 Optimistic Media are driving forward the next generation of Participation TV quiz shows. From the production side of the industry we confidently predict an increase in quality and transparency as competition between suppliers raises consumer expectations of the format.

1.5 Optimistic Media seek a robust framework of self-regulation in addition to the current regulatory regime. We have suggested to the industry that Optimistic Media's Code of a Conduct be used as a model.

2. **Responses to Questions**

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?

2.1 Optimistic Media support ICSTIS's proposal of a mandated spoken price announcement at no later than each 10 minute interval of a programme. This move would bring the Participation Television industry in line with Optimistic Media's current practice.

2.2 Optimistic Media's programmes all currently provide a spoken price warning at 5-10 minute intervals. The Terms and Conditions, pricing information, and the free route of entry via our website are all presented verbally every 5 to 10 minutes on air, as well as being promoted on screen.

Question 2: Do you agree with our assessment of Option 1 – do nothing?

2.3 The Optimistic Media Code of Conduct is run with three over-arching principles: transparency, fairness, and responsibility. We therefore welcome moves which highlight the desire of the industry to be transparent and in this context, agree that the "do nothing" option would not address the recent concerns expressed about the industry.

Question 3: Do you agree with our assessment of Option 2 – Publication on-screen of actual 'chance' or 'odds' ?

2.4 Optimistic Media agree with ICSTIS' assessment of Option 2. Technically, we believe that dynamic, constantly changing, information on the number of callers at any one time will do more to mislead and confuse consumers than inform them.

2.5 Optimistic Media has worked hard to ensure that the information we provide about the number of unique callers in each round is meaningful, and actually enables customers to make more informed decisions about whether to participate in our quizzes.

2.6 We have pioneered the on screen display of the number of unique callers phoning in for a particular round of a quiz.

2.7 Publishing the figures on the number of unique callers at the completion of each round provides the viewer with a much more accurate picture than seeking to do so in real time.

Question 4: 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 services quality and potential for customer information overload. We would be willing to assist in this process by facilitating a working party to consider the various options.

2.8 Information about the chances of acceptance or rejection when making a call to attempt to get to air are already including in our Terms and Conditions, which are delivered at intervals of between 5 and 10 minutes. We welcome ICSTIS' moves to make this an industry standard by including it in the revised Statement of Expectations.

2.9 Optimistic Media estimate that each round (the time between calls which are broadcast on air) lasts a minute or less – on our shows on average one call per minute gets put through to the studio.

2.10 We believe that publishing the number of unique callers taking part in a particular round significantly aids the transparency of our programmes and provides meaningful information to our viewers and participants. We would recommend this practice as providing a practical solution to the issues the ICSTIS is addressing in this consultation.

- 2.11 There are significant barriers to publishing the *total number of calls* to our programmes. This information is commercially sensitive and publication of it on screen would break the confidentiality agreements we have with the TV channels that we work with. OM understands that other companies working in Participation TV will face the same barriers to publishing the total number of calls being received.
- 2.12 Therefore, Optimistic Media has responded to these limitations by being transparent about the total number of *unique participants* involved in each round of a quiz. As well as entrants via the telephone, this number includes entrants via the internet free route of entry.
- 2.13 ICSTIS makes several suggestions in the consultation paper on capturing different figures and making them available to viewers and participants. One suggestion includes providing the figures for the number of entrants who tried to get through in a given time period (e.g. in the last 15 minutes/the last hour). Optimistic Media do not believe that these figures would aid transparency, and in fact do not provide participants with any additional insight into odds.
- 2.14 Optimistic Media also note that the “number of callers” does not capture entrants who participate via a website. Optimistic Media’s current practice ensured that these participants are captured in the statistics that we provide in our programmes.
- 2.15 One area where we would urge caution is the imposition of mandatory scripted comments highlighting the fact that on most occasions a participant’s call or entry will not have a successful outcome. This would impose limits on our editorial content and would therefore have a detrimental impact on the quality of our programmes, and the overall enjoyment of both viewers and participants.
- 2.16 Optimistic Media believe that providing more information *on screen* to viewers on the number of unique callers participating in each round of a quiz is a sufficient measure to improve public confidence in the Participation Television sector. Communicating such messages verbally as well would significantly interrupt the flow of a programme and damage editorial content.
- 2.17 Optimistic Media has been leading the Participation TV industry in terms of the transparency, fairness, and responsibility of its programmes. We therefore welcome ICSTIS’s suggestion of an industry working group. Indeed, in November 2006, Optimistic Media chaired a cross-industry working group which led to the creation of our own Code of Conduct. We continue to press for greater self-regulation from the Participation TV industry.

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?

- 2.18 Optimistic Media believe Participation TV productions should aim to give equal prominence and treatment to the free route of entry option. The Premium Rate phone number is one *option* for entry, not a requirement. This practice is not universally adopted and should be tightened across the sector.
- 2.19 Optimistic Media notes that online points of entry provide further opportunities to provide consumers with information regarding the chances of getting on air or being called back by the studio, again increasing transparency.

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?

- 2.20 Optimistic Media fully endorses the practice of a system of call warnings and already provides a pioneering risk management programme with respect to excessive calls.
- 2.21 As ICSTIS is aware, Participation TV providers themselves cannot “cap” calls, we can, and do, however implement a call warning system.
- 2.22 Optimistic Media are in the process of implementing a new standard of procedure whereby repeat callers are notified by an automated IVR after their tenth call, and at every tenth call thereafter. On each occasion, callers will hear a different automated message warning them of their high use of our services. This system would begin to operate before the caller reached the £10 barrier suggested by ICSTIS.
- 2.23 Any caller making more than 30 calls is closely monitored and callers who continue to make calls beyond the 10 call warning will be called by a telephonist in person if they reach the barrier of 100 calls for quizzes that cost 75p per call (on a BT line), or a barrier of 150 calls for quizzes which cost 60p (on a BT line).
- 2.24 Due to technical limitations, we are currently unable to prevent people from continuing to call our services, even after warnings. If a user calls a significant number of times in 24 hours, it is the telephony companies who are able to cut off their access to the service. We are working at integrating and developing these tools with telephony companies to further enhance our ability to prevent excessive use from customers.
- 2.25 Our experiences of already leading the way in this technology have been informative in understanding customer behaviour. We have found that the majority of the callers who have received call warnings from a telephonist in our experience:
- Know the number of calls they are making;
 - Understand the costs involved; and
 - Wish to continue making calls.
- 2.26 If a player has just won a large sum of money, which is considerably more than they have spent on calls, we do not feel it is imperative to restrict how they spend their winnings should they wish to continue entering our quizzes.
- 2.27 Players have also told us that if a large sum of money is on offer and they are confident that they know the answer, they are prepared to make more calls than normal in order to get through to the studio at a time when there is a high volume of traffic. Callers therefore are already making judgements as to the odds of getting through in a particular round, and are making informed decisions about the number of calls that they make.

Optimistic Media hope ICSTIS find our comments useful in formulating its conclusions. We would be delighted to engage with ICSTIS further in order to ensure that issues of transparency are dealt with in a responsible and proportionate way. Participation television continues to be an exciting development as a televisual format. With the introduction of appropriate consumer safeguards we are confident it has a positive and sustainable future, providing viewers with enjoyment, entertainment and choice.