



Response To ICSTIS Call TV Quiz Review

Virgin Media Television provides entertainment channels to the UK multi-channel television market. Virgin Media Television owns seven entertainment channels – Living, Living 2, Bravo, Bravo 2, Challenge, Trouble and Ftn (plus their time-shifted variants).

Virgin Media Television also has a 50% interest in UKTV, a joint venture with BBC Worldwide, which consists of ten channels: UKTV Gold, UKTV G2, UKTV Drama, UKTV Style, UKTV Style Gardens, UKTV Food, UKTV History, UKTV Documentary, UKTV People and UKTV Bright Ideas. Together, Virgin Media Television and UKTV are the largest supplier of basic channels to the UK pay-TV market. Virgin Media Television also owns the media sales house **ids**, and the content distributor Minotaur International.

Virgin Media Television is part of the content division of Virgin Media, which offers a wide range of communications and entertainment services to more than five million residential customers. Virgin Media's networks can service more than twelve million homes – 50% of UK households – and 85% of UK businesses.

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Introduction

Neither Participation TV in general – nor the TV quiz format in particular – forms a major element of Virgin Media Television's strategy.

As part of a larger communications business, Virgin Media's converged compliance team is well aware of the dangers that non-compliant quiz programmes can cause. In particular, we are acutely aware of the consequences arising from broadcasters failing to make clear the costs of participation. Without sufficient transparency, there is the risk of consumers generating unexpectedly large phone bills, an increase in billing disputes, and an increase in customer churn.

Between December 2005 and November 2006 we transmitted "Quiz Night Live", commissioned from Endemol UK. In line with our general approach to compliance, we sought to ensure that the programme complied with regulatory best practice from the outset. We ensured that the script for the PRS phone line made it clear to callers that each call – irrespective of whether it was successful in getting through to the studio – would be charged at 75 pence.

Since then, two further TV quiz programmes have featured in the same slot. In both cases, we ensured that they complied fully with the ICSTIS Statement of Expectations, as well as the revisions to the Ofcom Broadcasting Code. Unlike "Quiz Night Live", these two further programmes were simulcasts of output from existing satellite channels. Ostrich Media's Quiz Call was carried between 12 November and 31 December 2006, and Big Game TV began simulcasting on 29 January 2007.

Although Virgin Media Television has endeavoured (as far as is possible in live television) to comply with regulatory best practice in this area, it is undoubtedly true that some Quiz TV services have failed to do so. In our view it is this failure, rather than something inherent in the genre itself, that has been detrimental to consumers and which has subsequently generated negative media coverage.

In this response we will aim first to address the specific questions outlined in the ICSTIS consultation which focused on call TV quiz services, before moving on to the wider issue of how to restore trust in "Participation TV" generally, which includes voting shows (such as ITV1's "X Factor" or "Dancing on Ice" and Channel 4's "Big Brother"), and in-programme competitions, (such as "You Say We Pay" on Channel 4's "Richard and Judy" programme), as raised at the ICSTIS meeting on 8 March.

Call TV Quiz Services Review:

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?

On the basis of the evidence within ICSTIS' Consumer Research, it seems clear that while the majority of consumers understand the costs of taking part in TV quizzes, a significant minority do not. As such it seems sensible to introduce some of the proposed amendments to the current Statement of Expectations.

We agree, for instance, that pricing information should be made by presenters of TV quizzes at intervals of no more than ten minutes, and also that the identity and contact details in the UK of the provider – where not otherwise obvious – should be clearly stated. However, on the basis of the information available to us we would question the viability both of providing cumulative call-cost warnings, and of being

able to display on screen in real-time, the “actual likely chances” of getting through to the studio.

Q2. Do you agree with our assessment of Option 1?

Yes.

We agree with the analysis that the continuing political and media focus on TV quiz shows has created a false perception that they are inherently unsound and unfair. For this reason we believe that doing nothing is not a viable option.

However, it is important to note that the current political and media coverage does not reflect the fact that ICSTIS apparently receives only 15-20 complaints about quiz TV shows each month, despite the large overall numbers of calls that they generate.

All in all therefore, while it is clear that ICSTIS must be seen to address the issue of quiz TV programming, there currently appears to be little evidence of any significant consumer harm.

Q3. Do you agree with our assessment of Option 2?

Q4. We would welcome views...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.

Although we understand the rationale for proposing a requirement for on-screen displays of the real-time chances of getting through to the studio, we believe that this is technically impractical and – in the context of a live TV quiz – it would be as likely to mislead consumers as to inform them.

We understand, for instance, that the queue of callers for such shows changes constantly and rapidly, and also that the time it takes for satellite signals to reach the Earth also means that there is a time delay between watching the same show on satellite or cable versus digital terrestrial television. Even if it were technically possible to display real-time odds, this factor would render the information inaccurate and misleading for large numbers of viewers.

ICSTIS’ research indicates that the majority of consumers (“...but not quite all..”) understand the costs involved in using quiz TV services, and we would therefore question the need to provide further clarity around the “precise chances” of success.

In the real world – beyond TV – consumers generally enter quizzes, competitions, lotteries and raffles without knowing the precise odds of winning. Indeed, it could be argued that this is part of the fun in doing so. If the operators of such quizzes and lotteries were required to foreground the odds of winning, it is likely that ticket sales would plummet.

Given that Quiz TV presenters will be required to make frequent spoken announcements about the cost of calls, and that this information will also be required as text on screen, and on the IVR when viewers make a call, we remain unconvinced of the need to provide viewers with transparency about rates at which calls are being accepted or rejected at the initial stage.

We also consider that there is a real danger that by adding to the already-high volume of information being provided to viewers (either by the presenters, and/or via on-screen text) over and above the quiz questions themselves, implementing the proposal could be counter-productive. We also note that ICSTIS’ research showed

no evidence that TV quiz presenters systematically encouraged viewers to call by exaggerating the chances of getting through to the studio.

As a broadcaster, our concern would be that the provision of this additional data could result in a cacophony of information, which is likely to confuse rather than clarify. The speed at which call volumes fluctuate within live programmes, combined with our understanding of the existing technical constraints, also means that even information given “as close to real time as possible” could simply result in misleading viewers.

Using presenter scripts to alert viewers that most callers will be unsuccessful in getting through to the studio may prove a simpler and more pragmatic solution. However, it could also result in a dramatic reduction in call volumes, which would render the TV quiz format commercially non-viable.

In light of the above, we believe it may be worthwhile for ICSTIS to establish a working party on this issue and in our view, the producers of TV quiz formats as well telecommunications and specialist interactive solutions companies may be best placed to address this question.

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

Please see above.

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?

Our own experience confirms ICSTIS’ findings that problems with “bill shock” have been largely confined. Indeed, provided TV quiz producers comply with the ICSTIS Statement of Expectations and Ofcom’s Broadcasting Code, we see little evidence of a need for cumulative call cost warnings.

Moreover, despite our awareness of similar provisions within the ICSTIS Code, we have received conflicting information from different Service Providers about the technical viability of providing cumulative call cost warnings. If ICSTIS is minded to make this a formal obligation, we believe it would be prudent to investigate first whether or not the proposal is feasible as part of a regulatory impact assessment.

Participation TV

Since ICSTIS issued its consultation, a significant amount of media coverage around the wider issue of participation TV has been generated following revelations about the “You Say, We Pay” competition on Channel 4’s “Richard and Judy” programme.

It appears that a number of high-profile terrestrial broadcasters have been “caught out” for failing to adequately comply their participation TV shows. We believe this is a convergence issue – that TV producers tend to be unaware of the technological and regulatory issues that apply to the premium rate payment mechanisms, and that PRS providers tend to be unaware of the production and regulatory issues that apply in the broadcast arena.

Having attended the ICSTIS meeting on 8 March we believe that the media storm around this issue will inevitably pass, and that it is therefore important that any further regulatory requirements imposed are both practicable and proportionate.

As noted above, participation TV has not formed a major component of Virgin Media Television's strategy to date.

However, in addition to the late night TV quiz slot, our channels regularly run viewer competitions, some of which utilise PRS telephony or text numbers. Given our awareness of both telephony and broadcast regulation, we have also worked hard to ensure that our compliance processes and procedures are effective. As far as we are aware, we have received no complaints on these issues to date.

We nevertheless plan to undertake a review of all forthcoming participation TV programming – including the processes and systems of service provider partners – to ensure there is no risk of consumer harm.

We would endorse the ICSTIS proposal to introduce a formal licensing regime for premium rate service providers involved in participation TV services. Aside from more clearly defining the locus of responsibility for compliance with the ICSTIS Code of Practice, this will be of great benefit to broadcasters and programme producers by allowing them to readily identify partners with the necessary technology and skills to operate premium rate services within a broadcast environment.

The proposal to introduce a new Trust Mark for use on-screen may be of benefit to those large terrestrial broadcasters that may be seen to have breached the trust of their viewers. We believe, however, that this issue should be explored further with all stakeholders in order to determine whether it is truly necessary, and whether there may be alternative solutions. As a reputable broadcaster, our concern is that an additional logo on-screen may simply result in irritating and/or confusing viewers.

If this response raises any questions, please contact Grahame Fowler, Head of Compliance.

Virgin Media Television