

## **ICSTIS TV Quiz Services Consultation**

**Amplefuture Ltd, 21 October 2005**

### **Service name**

#### **Question 1**

*We would welcome your views on whether you are content with this title. Are there other titles you believe might better reflect the services type in question?*

'TV Quiz services' is an appropriate title.

### **Service description**

#### **Question 2**

*We would welcome your views on whether we have successfully managed to cover all aspects of the services in question. Are there any other defining characteristics of these services which we should incorporate in our definition?*

The proposed service description is appropriate.

### **Promotion of services**

#### **Question 3**

*We would welcome your views on whether providing this information will be beneficial to the consumer and will allow for greater transparency of how these services operate.*

The only element of the proposed information which would be relevant and meaningful would be to give the anticipated odds of calls getting through. It is important that such information notes the 'minimum' number of calls expected to get through per total calls (or possibly per hour). Any such requirement should be in addition to the primary and overriding requirement that the promotional material and the service itself be presented in such a way that it is clear that not all calls will get through.

The other proposed information (ie., identifying the number of live operators taking calls, stating the number of calls taken per hour or indicating that participants who get through are not typical of all participants) are each essentially meaningless as they depend on other, unknown, factors. For example, the number of live operators taking calls is irrelevant as it has no bearing on the number of people attempting to get through and thus gives little (or no) indication of a caller's chance of successfully getting through. Likewise, the number of calls taken per hour is essentially meaningless as individual call success would depend on total attempted calls to the service.

### **Clarity of pricing and premium rate charges**

#### **Question 4.1**

*We would welcome your views on how effective the proposals in relation to the provision of pricing information would be in practice and whether they are proportionate and targeted.*

Amplefuture agrees with the proposal that:

- (a) pricing information must be clearly displayed on screen at all times and for the duration of the competition;
- (b) such information is static and displayed in an unambiguous manner which does not require close examination; and
- (c) it notes, importantly, that all calls will incur a charge whether or not successful.

In relation to the proposal that the presenter (or otherwise a voice-over) reiterates this information at 'regular and frequent' intervals, Amplefuture submits that a quantifiable guideline on actual frequency would be required, since the proposed requirement (as currently worded) is too subjective and potentially open to abuse.

In relation to the suggestion that promotional material (including the voice-overs) must not encourage repeated attempts by callers without also clearly stating that all premium rate entries will incur the same charge regardless of success or otherwise, Amplefuture submits that the second element ought be a primary requirement of the service promotion, irrespective or not of whether there is also an element of encouragement.

*We would also be interested to see data that illustrates the average length of time a typical 'unsuccessful' message is listened to, in relation to the positioning of the pricing information within the recorded message. If the pricing information is towards the end of the message, do callers listen long enough to hear it?*

Anecdotal information (from speaking to complainants) suggests that callers do listen to the full recording on at least the first few unsuccessful calls. Clearly the recorded message should not be unduly long and the pricing information should be presented promptly, concisely and unambiguously. However, if the information provider has taken all appropriate steps to ensure the caller is informed that there is a call for unsuccessful calls, there is a point at which it is reasonable for the caller to take responsibility for making further calls and it is not reasonable for the caller to claim ignorance.

*Are there other or alternative requirements that we should consider?*

It is appropriate and sufficient that the call costs and the situations in which charges will accrue will occur (ie., on *each* call) are advised in a variety of ways, including:

- (a) on-screen;
- (b) through frequent voice-overs; and
- (c) on unsuccessful calls.

#### **Question 4.2**

*We would welcome your views on the most effective way in which to achieve the objective of informing participants of each £20 spend.*

There are four issues in relation to this question. First; the proposal presumes that caller line identification ('CLI') is available for each call coming into the services, yet this is not necessarily always the case. Secondly; it presumes that £20 is the appropriate call charge level. Whilst £20 for other PRS has been in existence for a while, arguably it should be revised upwards, or at least an appropriate level considered in light of these relatively new types of TV quiz services. Thirdly; it may be misleading because it would be based on the BT rate, with non-BT consumers facing potentially higher call costs. Finally, multiple callers may call from the same CLI (each with the permission of the primary bill payer) and thus CLI is not necessarily a unique identifier - the proposed warning might actually cause confusion.

*Are there other or alternative requirements that we should consider?*

The primary objective should be to ensure the service is not misleading in any sense, thus allowing consumers to make an informed decision on whether to use the service or not. Rather than being overly proscriptive (with the exception of the above mentioned pricing information requirements), whether or not a service is or is not *misleading* should be considered having regard to all the circumstances.

#### **Contact information**

##### **Question 5**

*We would welcome your views on whether requiring a helpline number to be displayed is proportionate and reasonable. Are there other or alternative requirements we should consider?*

A non-premium or national rate contact number which connects to the information provider should be provided and should be displayed on-screen on a regular basis. It should not be on-screen continuously as this would simply confuse callers and distract from other important information, such as pricing information.

#### **Terms and conditions**

##### **Question 6**

*We would welcome your views on whether requiring any significant terms and conditions to be displayed on screen is a proportionate and workable proposition.*

There is a trade-off in terms of putting all terms and conditions on the television screen since important or significant terms would simply be 'lost' within non-significant terms, a problem which has already been recognised and addressed in other relevant industry codes and guidance notes (ie, BCAP's Advertising Guidance Note No. 1). Consequently, the issue is really as to what is or is not a 'significant term'. Amplefuture submits that the following terms and conditions are 'significant' terms:

- (a) call costs (eg., £30 pence per call from BT landline);
- (b) the manner of charging (eg., each call is charged whether or not successful); and
- (c) time or entry restrictions (eg., limited time period, limited to UK residents or certain ages).

Depending on the actual service, it is a workable proposition that these three elements are displayed on-screen, but that additional terms are not significant and thus need not be displayed on-screen. However what terms are or are not significant will always depend on the individual circumstances. Rather than being overly proscriptive there should be greater reliance on the simple overriding proposition (as noted earlier) that the service is not run or promoted in a *misleading* fashion.

*Are there additional or alternative requirements we should consider?*

Consideration should be given as to which 'significant' terms should be displayed *constantly* and those for which it would be appropriate to only show them on a regular and frequent basis and/or need only be mentioned in voice-overs. This comes back to the issue of ensuring consumers are not confused by the amount of static information on-screen. For example in the above suggested 'significant' terms, the *cost* in (a) should always be displayed, but not necessarily any entry restrictions in (c) which could be shown or spoken every 10-15 minutes or so without the service necessarily being misleading. If the PRS line only accepts calls at certain times, from certain locations and/or the service is only shown on a channel which adults can access, then certain terms (although important) may not necessarily need to be shown.

### **Age/bill payer warnings**

#### **Question 7**

*We would welcome your views on whether requiring age and bill payer warnings to be displayed and being stated orally is a proportionate and workable proposition. Are there other alternatives we should consider?*

Amplefuture agrees that any restrictions should be presented clearly and that by being stated orally is a workable proposition. It might be confusing to have this information constantly on-screen (as noted in response to the previous question).

### **Closing dates and times and hours of operation**

#### **Question 8**

*We would welcome your views on how easily paragraph 6.2.7 of the Code can be complied with. Are there any specific reasons or difficulties you would face in ensuring closing dates or times are provided?*

The Code Guidelines (or future Code 'Help Notes') should specify how on-screen countdown clocks may be used to ensure services comply with paragraph 6.2.7.

### **Substantiation**

#### **Question 9**

*We would welcome your views in whether you believe these requirements are a proportionate and workable proposition. Are there other alternatives we should consider?*

Amplefuture agrees that the answers and rationale for certain logic-based questions should be transparent and lodged with an independent third party prior to broadcast, and also that evidence of prizes awarded should be auditable on demand. The practical arrangements concerning any such requirements would need to be determined in consultation with the information providers as well as service providers.

### **Legality**

#### **Question 10**

Although there does not appear to be a specific question posed in relation to this issue, Amplefuture submits that ICSTIS needs to ensure the requirement is such that it will actually be beneficial rather than simply appearing to be beneficial. Evidence that 'legal advice has been sought' is not a panacea to ensuring that quiz services comply with other laws. ICSTIS should consider consulting the new Gambling Commission to ensure compliance boundaries are determined for these services in the future.