



**BT response to the public consultation seeking  
comments on proposed specific conditions applicable  
to premium rate TV Quiz programme and channel  
services**

**Please address any queries on this response to: [nicola.robbins@bt.com](mailto:nicola.robbins@bt.com)**

## Introduction

BT welcomes the opportunity to submit a response to the ICSTIS consultation on TV Quiz programmes and channel services. BT supports the proposal to introduce a new prior permission regime for premium rate TV Quiz programmes and channel services and offers the following comments in relation to the specific questions raised.

## Answers to specific questions

For ease of reference BT has reproduced ICSTIS' paragraphs and BT's response to specific questions are in bold type.

### 1. Service name

We are proposing to call these new services 'TV Quiz services'

<p><b>Question 1</b> We would welcome your views on whether you are content with this title. Are there other titles you believe might better reflect the service types in question?</p>
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BT believes that "TV Quiz Services" is an appropriate title providing it is intended to only cover TV quizzes and BT has noted that the questions refer specifically to TV. BT believes there is the potential for similar quizzes to be run on radio and even on the internet and in this event BT suggests that "Broadcast Quiz Services" may be a more suitable title.

## **2. Service description**

We propose that the prior permission conditions should apply only to broadcast output (programmes and channels) on television where the primary function and content of the output is the provision of competition services (as defined in paragraph 6.2.1 of the 10<sup>th</sup> Edition of the ICSTIS Code (as amended) ('the Code') where consumers are invited to call or text a premium rate number in order to give their answer (normally either by being connected to the presenter or via a call back). If participants are not selected on any given occasion, they are informed accordingly straightaway and have the opportunity to make repeat attempts. The proposed prior permission regime will apply regardless of whether the premium rate service contains a live speech element or not.

<p><b>Question 2</b> 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?</p>
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**BT is supportive of this proposal and has no particular comments on the service description.**

### **3. Promotion of services**

We believe that promotional material, including on air comments and graphics, must make it clear that most participants will not get through live on air. This may be done in a variety of ways such as giving the anticipated odds of getting through, identifying the number of live operators taking calls, stating the number of calls taken per hour or competition, or by indicating that participants who get through are not typical of all participants. This should be updated and repeated on air at regular intervals and/or if the chances of getting through substantially change.

**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 the services operate.

**BT supports greater transparency and clarity of services and the principle of making consumers aware that most participants will not get through live on air. BT believes that stricter guidance should be given to presenters as to what they can and cannot say as BT's complaint analysis has shown this has particular impact. This proposal will help customers make informed choices, particularly those customers who may be encouraged to make repeat calls. This guidance coupled with changes to the clarity of call prices should help to address the potential for consumer harm.**

**BT feels that the proposals such as providing anticipated odds, the number of live operators taking calls and the number of calls taken per hour are not practical. This is because there are many variables which constantly change for each competition and it would be impossible to announce this information in real time. For example it would be different depending on the type of competition, the number of entrants and whether a caller gets the correct answer when they get through to the studio.**

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

We believe that consumers must understand and have all relevant information prior to taking part in a premium rate service. In particular, this would include having an understanding of the costs of the service. Many of the complaints we have received from consumers relate to the lack of pricing prominence and a belief that participants will not be charged if they are not successful in getting through to the studio and instead only access a recorded message. As a result, we propose that pricing information must be clearly displayed on screen at all times and for the duration of the competition. It must be static and displayed in a way that does not require close examination. In particular, the pricing information must clearly state that all premium rate entries will incur the same charge, whether the participant is successful or not.

In addition to this requirement, we also propose that pricing information must be clearly stated by the presenter or voice-over from the outset of a particular competition and must be repeated at frequent and regular intervals. The presenter or voice-over must also clearly state that all premium rate entries will incur the same charge, whether the participant is successful or not. We believe that the promotional material, including presenter's commentary and any voiceovers, must not encourage continued and repeated attempts at participation without clearly stating that all premium rate entries will incur the same charge, whether the participant is successful or not.

To keep these services in line with other premium rate services operated, we are proposing that as soon as is reasonably possible after participants have spent £20, and after each £20 of call spend, they must be informed that they have spent £20, together with the cost of the service per call or minute. We propose that this is determined by cumulative attempts from a specific CLI with no time restriction.

An example of such a warning might be: "Thank you for entering. You have now spent a total of £20. Every additional call that you make will cost you £ [1]." Variations would be considered by the Committee as part of an application for prior permission.

Equally, we believe that when participants are not selected to give their answers on air, they must be given a message explaining this and giving the entry cost, making it clear that this applies whether or not they go on air. An example of such a message would be "Thank you for your entry. This has cost you £ [1] but you have not been successful this time." We believe that, given the unique nature and characteristics of the services on offer, the proposed requirements are proportional to the detriment currently being caused and will effectively prevent consumers from failing to understand the costs they incur. We have, as always, tried to ensure an effective balance between the provision of information to the consumer versus the need of the service provider to operate a legitimate business. We do not believe that the proposed provisions will be burdensome for service providers to implement and they should reduce the number of complaints received by ICSTIS, Ofcom and other bodies.

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

**BT agrees that consumers should understand the cost of a service prior to taking part. In particular the cost of calls should be displayed on screen for the duration of the competition and state that all calls will incur the same charge regardless of whether the participant reaches the studio or not.**

**BT also agrees that pricing information must be stated by the presenter or voiceover from the outset of a competition and at regular intervals. BT suggests that regular intervals could be defined as "at least once during the time period an average participant might view the TV quiz before entering a competition". TV quiz organisations may have research that ICSTIS could utilise in the formulation of such a requirement.**

**BT supports the proposal that promotional material including presenters' commentary and any voiceovers must not encourage repeated attempts at participation without clearly stating that all calls will incur the same charge whether the participant is successful in reaching the studio or not.**

**BT's own investigation of customer complaints has shown that some customers do not listen to the entire phone message and hang up before the pricing part of the message is played. Unfortunately BT does not have any relevant call data to use as evidence. However, BT believes that call data may not actually be particularly helpful anyway, as there are many variables which influence the length of the call, for example whether the customer has previously entered a competition and the type of competition.**

**BT's investigation also suggests that some callers are not watching the programme as they are concentrating on dialling and therefore the content of the message heard on call answer is crucial. BT suggests that the pricing part of the message to be played earlier in the call, and definitely prior to the statement informing customers that they have not been successful this time.**

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

**BT agrees with the principle of keeping consumers informed. However, BT does not believe that Service Providers currently have the technical functionality to calculate accurately call expenditure. This is further complicated as call costs vary depending on the customer's network. A solution may be to replace the value with the total number of calls made. BT recommends that an industry group is formed to discuss the feasibility of this idea.**

**BT acknowledges that some Service Providers already provide refunds for hardship cases and believes that consideration should be given to the setting up of a fund such as that run for Live Services to provide consumers with refunds where appropriate.**

## **5. Contact information**

Given the immediacy of these services and taking into account the information supplied to us by complainants, we believe that service/information providers should be easily accessible in case of problems with the service or for any other general enquiries. We propose that the name of the service/information provider and a non-premium rate helpline number must be displayed on screen in a static or rolling screen basis. We believe that the provision of a web address on its own would not be sufficient.

**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?

**BT agrees with that requiring a helpline number to be displayed is reasonable, but believes there are practical implications in terms of opening hours. A more practical solution may be for a Service Provider to provide a helpline which has recorded answers to Frequently Asked Questions and the ability to leave a name and number if they require someone to get back to them regarding their query during working hours.**

**BT supports the proposal concerning the need to display the help number on screen in a static or rolling screen basis. However, BT feels it is important to assess this requirement relative to all of the other on-screen information requirements so that the consumer isn't overloaded or confused by the information. BT is convinced that pricing is the most important information and it should therefore be prominent and static.**

## **6. Terms & conditions**

The Code makes it clear that any significant terms and conditions that are likely to affect a consumer's decision to participate in a competition must be clearly stated. We do not believe that currently all such information is clearly and readily available to consumers. Given that these services are entirely television based, we believe that the only way this can be done is to provide such information on screen and not to require a consumer to look at terms and conditions on a website or Teletext. Examples of significant terms and conditions would include any age restrictions or limits on the number of prizes that can be won.

<p><b>Question 6</b> We would welcome your views on whether requiring any significant terms and conditions to be displayed on screen is a proportionate and workable proposition. Are there additional or alternative requirements we should consider?</p>
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**BT agrees that terms and conditions which are critical to the protection of consumers should be displayed on screen and feels that a rolling screen would be the most appropriate medium. Please note BT's response to question 5, in particular in relation to the amount of information displayed on screen and the importance of pricing information.**

### **7. Age/bill payer warnings**

We do not believe that the services and their associated promotional material are specifically targeted at children. However, we do believe that the services may have a certain appeal to people under the age of 16 and may, by their nature, encourage repeat calls.

Given the ease of access of these services and that many of the prizes that can be won are cash-based, we propose that service providers give a warning that participants must be 16 and over and have the permission of the bill payer before participating. This warning statement must be displayed on screen at all times as well as being stated orally by the presenter at frequent and regular intervals.

<p><b>Question 7</b> 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?</p>
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**BT agrees with the recommendation that Service Providers give a warning that participants must be 16 and over and has the permission of the bill payer before participating. Please see BT's response to questions 5 and 6 in relation to on-screen information.**

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

Paragraph 6.2.7 of the Code states that any closing dates for competition services must be stated. From monitoring services we have seen that on-screen clocks that count down seem to indicate a closing 'time' (date). However, these do not appear to us to represent an actual closing time for the service and seem to be used to encourage more calls as the clock gives the appearance that the competition is about to close.

This practice has the potential to be misleading. We are proposing that, in accordance with the Code, the service provider must provide a genuine closing date or equivalent (closing time) for each competition they operate.

The Code is clear (paragraph 6.2.7) that an insufficient number of entries is not an acceptable reason for changing a competition closing date/time or withholding prizes. We would expect this provision to be complied with.

**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?

**BT believes that it would not always be practical to state the closing times of competitions in advance. Closing times depend on a number of factors, for example when callers have chosen a correct answer to a quiz. In addition, BT feels that this would not be necessary if all of the other proposals are implemented.**

## **9. Substantiation**

Having looked at the competitions on offer and having examined complaints we believe that there is a perception that many competition services could have more than one correct answer.

Where a competition could have more than one correct answer, a single correct answer must be selected by the service provider and lodged with an independent third party before the broadcast. This answer, and evidence of its lodging with an independent third party, must be made available to ICSTIS on request at any time up to four months after the competition has closed. This length of time is to deal with the billing cycle for potential complainants.

We also feel that in complex competitions (for example puzzles), the logic for solving them must remain consistent and include a logical explanation which should be available to ICSTIS on request at any time up to four months after the competition has closed.

Service providers shall also be expected to substantiate that the prizes offered are available, the evidence of which will need to be made available to ICSTIS on request. We will also need service providers to be able to demonstrate that where there is a random selection process to select participants to get through to the studio for a chance to answer, that this process is impartial and that all entrants have an equal opportunity to gain access to the studio.

<p><b>Question 9</b> We would welcome your views on whether you believe the requirements regarding legality are a proportionate and workable proposition. Are there other alternatives we should consider?</p>
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**BT is in favour of the proposal that one correct answer must be selected by the Service Provider and be lodged with an independent third party prior to the broadcast and that this information should be made available to ICSTIS if required up to 4 months after the competition has been closed.**

**BT also agrees that for complex competitions the logical explanation should be made available to ICSTIS on request. In addition, Service Providers should be able to substantiate that the prize offered is available and it is reasonable that Service Providers should be able to demonstrate that processes are used to ensure that a random selection of participants get through to the studio.**

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