



**PREMIUM RATE ASSOCIATION RESPONSE TO THE ICSTIS
CONSULTATION:**

**PROPOSED SPECIFIC CONDITIONS APPLICABLE TO PREMIUM
RATE TV QUIZ PROGRAMME AND CHANNEL SERVICES**

OCTOBER 2005

Introduction and Overview

The PRA welcomes the opportunity to comment on ICSTIS' proposals for introducing a prior permission requirement for television programmes and channels which are aimed at encouraging viewers to ring competition services and win prizes.

We have various concerns with the prior permission approach for these services. The consultation document fails to set the scene fully and we feel that there is nothing proposed that cannot be dealt with under the Code as it stands. A Guideline (or Help Note as appropriate) setting out expectations would seem to be a more proportionate approach. Additionally there seems to be some confusion over whether the proposals apply to the channels, the programmes or the content and promotion of the services: ICSTIS' remit covers only the latter. This needs to be clarified so that it is understood that it is the service and its promotion, not the media which is covered by the proposed permission system. ICSTIS can then be certain that it has captured all current broadcast types (satellite, cable, terrestrial and mobile) and any not as yet available in the market place.

ICSTIS states that there has been a "significant increase in the number of TV Quiz Channels and programmes, together with an increase in the number of complaints" We are told that "over 100" complaints have been received in a four month period. An indication of the nature of complaints would be helpful – are there 100 different issues raised or two? It would also be helpful to have a list of the channels that were monitored for this exercise, or the specific programmes, where relevant. There would appear to be four main quiz channels on Sky (Quiz Nation, Big Game TV, Quiz TV and Quiz Call), unfortunately BARB does not supply viewing figures for these on its website, so it is difficult to put the number of complaints made to ICSTIS in context.

ICSTIS states that it has focused on:

- Clarity of pricing information,
- Adequate provision of relevant terms and conditions,
- Aspects of services that could be misleading and
- Substantiation.

The PRA takes the view that these areas are all fully covered in the Code and should not need to be handled in a heavy handed pre-emptive way as proposed.

The following answers to ICSTIS' specific questions should therefore be taken in the context of the PRA preferring that these are built into a guideline, rather than a prior permission requirement.

Q1 – TV Quiz Services – are you content with this title?

Many programmes include a phone in quiz as a part of the viewer experience (Brainteaser, Catchphrase, Loose Women and of course, GMTV) we assume that these are not intended to be caught by the prior permission proposals, although they are “TV Quiz Services”. However, if issued as a guideline the proposals could cover any quiz broadcast on air, helping to provide a level playing field for service providers and consequently clarity for consumers.

Q2 - 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 definition adequately captures the services that ICSTIS wishes to impose the prior permission requirement on.

Q3 - 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.

We do not think that it is necessary, or helpful, to include an indication of the likelihood of getting through in the form of odds or number of calls taken per hour etc. It is apparent after a few minutes of watching a channel that only one caller, or a handful of callers get through on air, whereas it is unlikely that most viewers would have a real concept of the number of people trying to get through or understand the odds of doing so even if stated. It would also be difficult for programme makers to supply odds as the number of callers could vary throughout different programmes and times of day. An attempt by a programme maker to supply this information but to get it wrong could, in a worst case scenario, lead them into the more damaging position of having their licence revoked by Ofcom.

Q4.1 - 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 agree that it is important that prospective callers fully understand that costs of entry and that static information as proposed, should be given, making it clear that all calls incur the same costs. We agree that this information should be repeated by the presenter of voiceover at regular intervals. This is simply Code compliance.

Q4.2 - 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?

We feel that a requirement to give cumulative call cost warnings is unnecessarily onerous on the service provider and would bring paragraph 3.4.3 into play as the service provider would be collecting caller information for a purpose not specified to them (assuming that the service provider is able to get full CLI presentation). Additionally ICSTIS states that this should be “with no time restriction” – is the intent that this could be over several days, or per programme? Should it cover one competition only within a programme, or all competitions offered?

Clear information on the service itself that a cost has been incurred for that call should be sufficient information for the caller.

Q5 - 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?

We do not think that it is necessary to display service provider name and helpline number during a programme. The Sky interactive directory lists contact telephone numbers for all specialist channels and, historically, ICSTIS has taken the view for television and radio that the channel should be able to supply service provider contact details if required by a consumer.

Q6 - 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?

Clearly significant terms and conditions should be shown on screen, this is nothing more than an existing Code requirement.

Q7 - 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?

We agree that age and bill payer warnings should be given in order to make it clear that children are not eligible to enter. There is, nevertheless, still a responsibility on the householder for what is viewed by children in their house.

Q8 - 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?

We have not seen any instances where an on-screen clock is not relevant to the imminent close of a service. If a clock indicates a closing time that does not subsequently occur, this would clearly be misleading and ICSTIS would be able to deal with it as such.

The statement that ICSTIS would expect a provision regarding withholding prizes due to insufficient entries to be complied with, seems superfluous – it is a Code provision and must therefore be complied with.

Q9 - 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?

The question first appears in relation to substantiation, rather than legality. However, to cover the legality issue, obviously any PRS should be within the law and ICSTIS should continue with its current practice of referring issues of concern to the appropriate body to deal with.

If ICSTIS has concerns that service providers are waiting until the end of a competition's running time before a viewer gives the "correct" answer, then the proposal to lodge correct answers in advance would be relevant. However, no evidence is presented to support this suggestion and, if there are no such concerns, then the proposal is heavy handed. Presumably if ICSTIS follows the route of requiring correct answers to be lodged, it would indicate what it considers to be an acceptable independent third party for these purposes.

The paragraph about substantiation of prize availability seems to be unnecessary as this is a Code requirement already. Does ICSTIS have concerns that prizes are not being awarded at present?

Conclusion

The PRA hopes that the above will be helpful to ICSTIS in its considerations and would warn about the risks of being proscriptive rather than prescriptive and taking what seems to be rather a knee-jerk reaction to this situation.