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The view expressed here may be published however my address should not be published.

Proposed conditions

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 service types in question?

ANSWER

"Broadcast Quizes" may be better as some of these quizzes now occur on Radio and the Web.

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?

ANSWER

Perhaps one of the key elements that make these services more dangerous to caller spend levels is the fact that the numbers all have single drop charges. Therefore rapid redialling makes more money for the competition provider in a very very short space of time. This could be effectively the equivalent of £50 or £60 per minute. Such a high pence per minute rate would never be sanctioned by ICSTIS. But effectively that is what these services are capable of generating. Perhaps ICSTIS should therefore also consider that such services are limited to a max per call charge of 75p. And insist that they design their phone messages to take away the possibility of anyone making more than 4 calls per minute. If it took 15 seconds to discover whether you were going to get the 'tough luck' message OR get to the studio. This would control call spend levels over short time frames giving callers time to reflect on their losses.

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.

Callers should be made aware that the majority of participants will not get through to the competition studio however they will still be charged for each call. Clearly these programmes are designed so that a certain large percentage of calls never reach the studio. That being the case why not have that percentage made clear on air during each competition.

Also if it is not possible to win one of these competitions UNTIL x number of calls have been clocked up then perhaps this should be stated. It does appear that a minimum number of calls do have to be received before they allow a caller through to the studio. If this is true then that should be made clear on air.

ANSWER

Programme presenters must be controlled in what they can and cannot say, that is obvious. The words of the presenters can strongly influence caller behaviour and understanding. Presenters sometimes imply that there are no people calling the number. But when you try to call you get shunted to the 'tough luck' message - this clearly shows that there ARE people calling and the competition

operators are not allowing anyone through to the studio. The presenter looks at camera and says to YOU - call now come on give us your answer and win the money as if you are bound to get through while it's quiet.

The presenters also say "call as often as you like". Perhaps they should

say call if you can afford the phone bill. This kind of encouragement is wrong. They could also review on air between each competition how - IF you have made 50 calls to take part this will have cost you £50 - if you made 100 calls this will have cost you £100. A simple chart could be shown on screen for 1 minute each time before they move on to a new competition.

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? Understanding the cost of taking part in these competitions PRIOR to making ANY calls is essential for the callers. Also callers should be told on air that their Telecoms providers will quite rightly expect to be paid for all the calls made win or lose.

The call costs should be displayed on-screen for the whole period of the competition and should state that all calls will incur the same charge regardless of whether the caller reaches the studio or not.

ANSWER

Pricing information MUST be stated by presenters at the start of EACH competition AND regularly throughout the programme. They should also not be combining these warnings with any encouragement to callers.

If you watch these competitions it becomes clear from what the presenters are saying that large numbers of callers are clearly NOT listening to the programme at that moment in time. Perhaps because they are too busy redialling and trying to get through with their answer? Therefore it is ESSENTIAL that what these callers are hearing on the phone keeps them informed. The important cost information MUST be given to the caller right at the beginning of the message. It is no good pretending that the message is inconsequential. ICSTIS must realise that what the caller hears at this point may be the only thing standing between the caller and a huge phone bill that they cannot late pay. The pricing information should be given immediately as the call is answered and repeated twice. And it should definitely be given prior to the point where the callers know if they have got through to the studio or not and hang up and redial.

I believe that many callers can not be listening to more than the first 2 seconds of the phone message and hang-up before any pricing info is reached.

It seems that the pricing is intentionally placed at the end of the message because the competition know that many callers will never hear it.

There should also be no encouragement to call again in this message. Let the TV programme itself do any encouraging NOT the messages heard on the phone.

I repeat - Perhaps ICSTIS should also consider that such services are limited to a max per call charge of 75p. And insist that they design their phone messages to take away the possibility of anyone making more than 4 calls per minute. If it took 15 seconds to discover whether you were going to get the 'tough luck' message OR get to the studio. This would control call spend levels over short time frames giving callers time to reflect on their losses.

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?

ANSWER

As most calls clearly never reach the studio it seems unlikely that the studio could have a clear view of each callers activity in real-time. However it may be possible for the studio to limit callers foolhardy behaviour by informing them that if they win they will need to prove that they have paid their Telephone bill for the calls made that month to the competition before they can receive any prize money. This could be verified by the network operator checking how many calls they made based on calling telephone number. These monies could be held in escrow until the proof was supplied. If never claimed then 10% of this could pass into a fund for hardship cases.

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?

ANSWER

A helpline number should be provided but due to the nature of these competitions I believe it should be an 0800 number for these Quizzes and it should be displayed with a rolling screen. The most likely calls will be from those who never manage to reach the studio. Therefore by making it an 0800 number (which will cost the provider) there will be an incentive to make it as clear as possible to the callers that the reason they are not getting through is due to how the competition works. I envisage the 0800 number will have some kind of messaging system where callers can leave a message re their issue, maybe even FAQs on likely issues. It would not need to be live.

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.

Are there additional or alternative requirements we should consider?

ANSWER

Critical terms and conditions such as the need to pay their telephone bills (not just the bill payers permission, should be displayed on the screen at all times in a rolling message.

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?

ANSWER

Competition Providers should give an age warning that only those over 16 and those who have the permission of the bill payer can take part. Insisting on proof of bill payment prior to prize payout would assist with this issue.

Also it should be made clear that 'multiple calls costing £1 per call are likely to be necessary even to reach the studio' before they even get an opportunity to give their answer to the competition. And if you make 20 calls that will cost you £20.

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?

ANSWER

The big £20k prizes which are only even available to winners of a lower value competition need much clearer explanation. What happens to this prize if not won today ? Does the prize money get removed or does it stay on the

table. These prizes are of course designed to tempt callers - so the

rules of engagement for these tempter prizes are of great importance.

Question 9

We would welcome your views on whether you believe these requirements are a proportionate and workable proposition.

Are there other alternatives we should consider?

ANSWER

Of course it makes sense that one correct answer must be selected by the Competition Provider and be lodged with an independent third party prior to the broadcast. This should NOT be a 3rd party with a financial interest in the telecoms revenues flowing. ICSTIS should also have access to this information in order to deal with complaints. If it is truly random then it should be possible to win the competition with the first call to the number? Is it? SPs should have to prove that participants get through to the studio based on random selection. But also express the percentage of calls that get the 'tough luck' message as part of their plan.

10. Legality

All premium rate services and their associated promotional material must comply with the law, particularly in relation to gaming and lotteries.

In respect of TV Quiz services, ICSTIS will expect to see evidence that legal advice has been sought for each different type of competition service operated by the service provider before permission is granted and we may ask to see the advice obtained after permission has been granted.

ANSWER

Surely these competitions do unduly encourage persons to get into bad debt and commit fraud perhaps by obtaining a telephone line just to make the calls to win the prizes. The competition providers could negate this charge by entertaining claims from Telcos where the callers have not paid their bills and where the majority of call costs relate to these competitions.

Otherwise these competitions could be ingoring ant-money laundering legislation.

Law abiding callers will not object to proving proof that they have paid their phone bills for the calls they made to win the prize.