[GB] Broadcasters Brought to Account for Questionable Behaviour

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At least three separate matters regarding the misdeeds of broadcasters have been the subject of recent accountability investigations and proceedings.

The matters have mainly involved the abuse of premium rate telephone and interactive services.

First, Ofcom has fined ITV plc GBP 5.675m for "the abuse of premium rate services (PRS)" in viewer competitions in programming and in conjunction with inadequate internal compliance mechanisms.

At least two items of the Broadcasting Code were at issue: Section *2.2* (Factual programmes or items or portrayals of factual matters must not materially mislead the audience) and Section *2.11* (Competitions should be conducted fairly, prizes should be described accurately and rules should be clear and appropriately made known).

This is the highest fine imposed by this or any previous regulator. The amount, reflecting the seriousness and repeated nature of the infringements, would have been higher had not ITV plc also pledged GBP 7.8 million for viewer compensation, and to charity.

Ofcom also requires that the specific broadcasters (LWT Ltd and Granada Television Ltd) publish a summary of its findings on two occasions.

In other instances, Ofcom found breaches of the Code, but did not impose sanctions, while, in the case of the "X Factor", no breach of the Code was found.

Second, the People's Choice Award, awarded to two presenters at the 2005 British Comedy Awards, has to be returned, as ITV plc has revealed they did not, in fact, win. The announcement came after an investigation by the legal firm Olswang.

Ofcom may take action. However, "the responsibility for compliance (and the liability for a potential financial penalty) falls to the licensee chosen to comply the programme on behalf of the ITV network." In this incident, it would be Channel Television, not a part of ITV plc.

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Third, an audit investigation by Pricewaterhouse Coopers (and also another commissioned by the BBC Trust) found that Audiocall, a company owned by BBC Worldwide, had improperly retained GBP 106,000 gathered as a result of premium-rate phone-in. The money should have gone to charity. It has now been paid, with interest. Additionally, GBP 6,000 will be donated because an editorial error lead to viewers being invited to phone in their votes in connection with the UK's 2007 Eurovision song final after the lines had, in fact, closed.

In addition, the BBC is to broadcast an apology.

"Grade outlines tough package of new measures to tackle PRS failures £7.8m reimbursement offered – any unclaimed funds donated to charity"

http://www.itv.com/Competitions/ReimbursementsPressRelease/default.html

"Ofcom fines ITV plc for misconduct in viewer competitions and voting"

http://www.ofcom.org.uk/media/news/2008/05/nr_20080508

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