[GB] Record Fine on Broadcaster

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Over the last year, the conduct of competitions using premium rate telephone services has been a source of major scandals in British broadcasting (see IRIS 2007-8: 11, IRIS 2007-10: 15 and IRIS 2008-2: 13). Now the communications regulator, Ofcom, has fined ITV (Channel 3, the major commercial broadcaster) GBP 5,675,000 for breaches of the Ofcom Programme Code in connection with such services. Relevant provisions of the Code include those requiring that factual programmes must not mislead the viewer, that competitions should be conducted fairly and that the broadcaster must retain control of premium rate service arrangements. This is almost three times the previous highest fine imposed by the regulator. The broadcaster has also promised to pay an additional GBP 7,800,000 for viewer compensation and to charity.

GBP 3 million of the fine was imposed for breaches in the programme “Ant and Dec’s Saturday Night Takeaway” between January 2003 and October 2006. These included selecting competition finalists before telephone lines were announced as closed, selecting finalists on the basis of their suitability to be on television and of where they lived although the broadcaster’s terms and conditions stated that they would be chosen at random, and on one occasion placing an individual already known to the production team on the shortlist of potential winners, who then went on to ‘win’ the competition. GBP 1.2 million of the fine related to “Ant and Dec’s Gameshow Marathon”, where on six occasions competition winners were chosen on the basis of their suitability to be on screen, whilst terms and conditions had stated that selection would be random; additionally the broadcaster was unable to account for almost half of the competition entries. A further GBP 1.2 million was accounted for by “Soapstar Superstar”, where the programme makers had on one occasion ignored the viewers’ vote and finalised results before the lines actually closed, and on a number of occasions had overridden the song choices voted for by viewers. GBP 275,000 of the fine related to over thirty occasions when programmes had been repeated without informing viewers that interactive competitions had concluded, so entrants had no chance of winning, but were still charged. Ofcom noted that the programme makers had completely ignored their own published terms and conditions and Ofcom codes; the compliance system in place was completely inadequate. The broadcaster was unable to supply Ofcom with sufficient data relating to the use of premium rate services in regional programmes. Further investigations are still continuing.

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Despite its major public service orientation, the BBC has also experienced problems with similar services. After investigations of BBC Editorial Controls and Compliance and of Premium Rate Services, it was found that GBP 106,000, which should have been paid to charity was wrongly retained by Audiocall (a trading division of BBC Worldwide); this was the result of a policy of retaining the proceeds where viewers mistakenly made calls when lines were closed. The sums have now been paid to charity with interest.

Ofcom, 'Ofcom Fines ITV plc for Misconduct in Viewer Competitions and Voting' , 8 May 2008

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

BBC Trust, 'Reports by Pricewaterhouse Coopers and Ronald Neil: BBC Statement', 9 May 2008

http://www.bbc.co.uk/pressoffice/pressreleases/stories/2008/05_may/09/statement.shtml

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