[GB] Regulator Fines BBC Over Conduct of Competitions in Eight Programmes

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In the UK there have been a number of serious recent scandals involving the conduct of competitions, especially those using premium rate telephone lines for participants (see IRIS 2007-8: 11, IRIS 2007-10: 15, IRIS 2008-2: 13 and IRIS 2008-7: 13). The latest example involved the BBC, rather than a commercial broadcaster. The public broadcaster was fined a total of GBP 400,000 by Ofcom, the communications regulator, for misconduct of competitions in eight television and radio programmes. The competitions had all breached Rule 2.11 of the Ofcom Broadcasting Code, which requires competitions to be conducted fairly.

The first television example was that of Comic Relief, a major and well-known programme raising funds for charity. Five participants were needed for a competition; when only two participants were available and gave incorrect answers, the programme's associate producer arranged to be telephoned and subsequently went on air and won the competition. The fine was GBP 45,000. Similarly, in Sport Relief, a contingency plan was approved for a Production Co-ordinator to stand as the winner should there be no shortlist of possible winners to participate in the competition live on air. When a technical problem resulted in no callers being available to participate, the Co-ordinator went on air and was declared the winner; the fine was once more GBP 45,000. In Children in Need, another regular programme raising charitable funds, when no callers were available due to a failure to communicate arrangements with a local call centre, a fictitious name was put on screen and confirmed as the winner; the fine was GBP 35,000. In TMi, a children's programme, a problem contacting potential winners led to a researcher playing the part of a contestant and winning; the fine was GBP 50,000.

On radio, in The Liz Kershaw Show, in up to seventeen pre-recorded programmes which were broadcast as "live", listeners were encouraged to enter competitions which they had no chance of winning; members of the production team posed as genuine winners or presented fictitious winners' names. The fine was GBP 115,000 in this case. In the case of the Russell Brand show, a fine of GBP 17,500 was imposed for a single case of similar misconduct. In the Clare McDonnell show, in an unspecified number of programmes, the production team made up the names of competition winners when there were not enough correct entries. It sometimes also denied genuine winners their prizes, as they had already won competitions on the same channel, something not made clear in the terms and

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conditions of the competition. The fine was GBP 17,500. Finally, in the Jo Wiley show, in a partially pre-recorded edition of the programme listeners were invited to enter a competition which they had no chance of winning; the individuals presented as winners were a BBC employee and a name invented by the production team; in a further case the winner was a member of the public contacted specifically by the production team to take part in the pre-recorded transmission. The fine was GBP 75,000. In some cases, a broadcast statement of Ofcom's findings was also required.

Ofcom, "Notice of Sanction: British Broadcasting Corporation", Broadcast Bulletin Issue Number 115, 11 August 2008

http://www.ofcom.org.uk/tv/obb/prog_cb/obb115/

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