

## Win £100,000 competition

<b>Type of case</b>	Broadcast Standards
<b>Outcome</b>	Resolved
<b>Service</b>	Planet Rock, KISS and Absolute radio networks
<b>Date &amp; time</b>	31 July 2020, after 17:00 on each network
<b>Category</b>	Competitions
<b>Summary</b>	A bespoke version of a competition winner announcement was broadcast on each of the Planet Rock, KISS and Absolute radio networks, without making clear to listeners that the competition was conducted across all three networks. Resolved.

### Introduction

The Planet Rock, KISS and Absolute radio networks cover the UK and are owned by Bauer Media Group (“Bauer” or “the broadcaster”).

*Win £100,000* was a competition conducted across the three radio networks, entry into which was available by premium rate SMS message, at £2 per entry, or online at no cost. The competition ran from 06:00 on 17 July 2020 until 17:00 on 31 July 2020.

When announcing the competition winner, Planet Rock, KISS and Absolute Radio each broadcast a unique interview featuring one of their presenters and the winner. A listener complained that, as all three announcements had failed to clarify that the competition could have been won by a listener to a different station, each had misrepresented the chance of winning.

Ofcom considered these broadcast competition winner announcements raised potential issues under Rule 2.13 of the Code.

Rule 2.13: “Broadcast competitions must be conducted fairly”.

Ofcom requested comments from Bauer on how it considered the announcements complied with this rule.

## Response

Bauer said that, although *Win £100,000* was a competition that had been conducted across the three radio networks, each in its own individualised style, every invitation to enter the competition, as broadcast on each separate radio network, had clearly stated:

*“You are playing across the Planet Rock, KISS and Absolute radio networks”.*

The broadcaster considered that this “explicit and intentional inclusion ... [had] made it very clear to listeners that the competition being promoted [was] a network competition and [had given] them sufficient information about their likely chances of success...”. Bauer also provided a copy of the competition terms and conditions published on its stations’ websites, which included:

“This is a Network Competition, running across the following radio stations:

Absolute Radio, Absolute Classic Rock, Absolute Radio 60s, Absolute Radio 70s, Absolute 80s, Absolute Radio 90s, Absolute Radio 00s, Absolute Radio 10s, KISS Network, KISSTORY, KISS Fresh, Planet Rock”

Bauer said that, as also stated in its published terms and conditions for the competition, one winner was selected after it had closed. The broadcaster added that the winner was then featured on the Planet Rock, KISS and Absolute radio networks in “bespoke versions of a call”, which were recorded and broadcast so the presenter(s) on each network had an opportunity to speak with the winner. It said this was done not only so listeners understood the prize had been won, but also to enable the broadcast of each winner announcement “in the style and tone that fits with a station in a way that its audience expects and enjoys”.

Bauer therefore considered it was transparent to entrants that the competition had concluded and the prize had been awarded to a valid winner. The broadcaster said it was “surprised and concerned to receive the first complaint since launching *Win £100,000* in June 2020 and [took] any suggestion that ... listeners may have been confused about the mechanic of a network competition very seriously”, as it worked closely with its legal and compliance colleagues to ensure all its broadcast competitions were conducted in full compliance with the Code.

Bauer acknowledged that, had a listener heard the broadcast of any version of the phone call with the competition winner, but not previously heard the frequent broadcast of the competition itself, they could have misunderstood it to have been a competition run by the individual station to which they were listening. It added that, if this had been the case, however, no harm would have been caused, as the listener would not have been able to enter the competition, which had already closed.

The broadcaster concluded by saying it had nevertheless decided to amend its procedures for the broadcast of competition winner announcements, “having considered the fact that a misunderstanding [appeared] to have taken place ... on this occasion”. Bauer said it would ensure that every future winner announcement of a similarly-networked competition will feature across all participating stations:

- the same phone conversation with the winner; and
- a reminder that the competition was networked across the Planet Rock, KISS and Absolute radio networks.

## Decision

Reflecting our duties under the Communications Act 2003, Section Two of the Code requires that generally accepted standards are applied to the content of television services, so as to provide adequate protection for members of the public from the inclusion of harmful material in programmes. This is reflected, in part, in Rule 2.13, which requires broadcasters to ensure that broadcast competitions and voting are conducted fairly.

Ofcom welcomed Bauer's confirmation that, each time *Win £100,000* was promoted on any of the Planet Rock, KISS or Absolute radio networks, listeners were told it was a competition networked across all of them, as this was significant information for any listener who was considering whether to enter, allowing them to assess their chance of winning.

Ofcom's guidance to the Code rules on broadcast competitions<sup>1</sup> makes clear that competitions run simultaneously on various local/regional services, such as a radio network, could result in participation being spread wider than may be obvious to the listener in any one area, and that, in such circumstances, and where the main prize is not awarded by each service, we would normally expect that, in order to be fair, it has to be made clear that other services are participating, not only in written rules but also on air, "whenever the competition or its results are run".

Ofcom accepted that, in this instance, when the prize winner was announced and interviewed, any listener unaware of the competition having been networked across the Planet Rock, KISS and Absolute radio networks, would have been unable to enter the competition, which had closed. However, our guidance makes clear that Ofcom is likely to conclude harm has been caused if listeners' trust in broadcasting is undermined.

In this instance, Bauer did not inform listeners during the disclosure of the competition result that *Win £100,000* had been broadcast across three radio networks. Listeners who had not previously heard the competition during its run were therefore left unaware that the prize of £100,000 had been won by an entrant who could have been a listener to any station in the broadcaster's Planet Rock, KISS or Absolute radio networks. Ofcom considered this had had the potential to lead any such listeners who later became aware of this fact to distrust the broadcaster's handling of the competition, especially as Bauer had also chosen to produce different versions of its winner announcement for each network and these listeners could have therefore felt misinformed.

We acknowledged both Bauer's reasons for making the decisions it did and its assurance that it takes seriously the compliance of its broadcast competitions with the Code. However, Ofcom considers the belief of every listener, at all times, in the probity of a station's broadcast competitions is paramount in maintaining their trust in the broadcaster. In this instance, we did not consider Bauer achieved this.

Nevertheless, we were pleased that the broadcaster recognised in its response that not all listeners would have interpreted correctly its *Win £100,000* competition winner announcement. We therefore

---

<sup>1</sup> Rules 2.13 to 2.16.

*Issue 419 of Ofcom's Broadcast and On Demand Bulletin*  
25 January 2021

welcomed the prompt action taken by Bauer to ensure that all listeners would be kept fully aware of the possible size of any future networked competition's entry pool at every stage of the competition, including the announcement of its winner. Ofcom therefore considered the matter resolved.

**Resolved**