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20 January, 2012.

**Press Statement**

on

**Fiji Television Limited (Fiji TV) Personality of the Year 2011  
Texting Competition**

- A. The Fiji Commerce Commission has been following the “Fiji TV Personality of the Year” texting promotion (“Promotion”) conducted by Fiji Television Limited (“Fiji TV”) closely last December.
- B. On the 12<sup>th</sup> of January 2012, the Commission also received a formal letter from Honorable. Aiyaz Sayed-Khaiyum, Attorney General, Minister for Justice, Anti-Corruption, Public Enterprise, Communications, Civil Aviation, Tourism, Industry & Trade, noting possible irregularities with the manner in which the competition was run and requested the Commission to conduct an independent enquiry to ascertain whether there were any breaches of the Commerce Commission Decree 2010.
- C. The Commission then commenced its formal investigation on the issue as per the requirements of the Decree, of which the Commission is a custodian.
- D. The Commission followed the due processes as stipulated in the Commerce Commission Decree 2010 in carrying out the investigation.
- E. Following a thorough investigation, the Commission noted the following:
- That a written terms and condition for the texting competition was not provided;
  - That a closing date for texting competition was not provided to the general public;
  - That the text platform was open until 31<sup>st</sup> December 2011 midnight when, in fact, vote tally was done for votes casted up until 8pm 30<sup>th</sup> of December, 2011; and,
  - That message(s) were sent to voters on 31st December 2011 that their votes were successfully registered when in fact, their votes were not counted in as the vote tally was done a day earlier.
- F. Fiji TV responded to the Commission on 17 January, 2012 on each of the issues in the letter dated 13 January, 2012 to the effect:
- That Fiji TV erred in not informing the members of the public of the closing date. Fiji TV stated that it did make announcement in the promotions that the winner will be declared on 1

- January, 2012. This would mean that the closing texting date would be taken as 31 December, 2011.
- b) That Fiji TV extracted the voting results after the 6pm news on Monday 30 December, 2011. It further stated that its people made the decision to tally the votes early on 30 December, 2011 given that the total texts received in Fiji TV platform prior to 31 December, 2011 was low. Fiji TV also stated that it was an error on their part to extract the results earlier.
  - c) That Fiji TV's system was programmed to close off the texting platform on 31 December, 2011. Once Fiji TV's ICT team programs into the system the closing date of the texting promo, the system automatically generates a response to those that have texted in, hence the response to all those that texted on 31 December, 2011 that their text has been successfully received.
  - d) That when Fiji TV was informed by Vodafone that there were additional texts received on 31 December, 2011, Fiji TV recounted all the texts from 14 December to 31 December 2011 and declared a new overall winner.
- G.** The Commission noted that such conduct by Fiji TV was in breach of certain sections of the Commerce Commission Decree 2010. In particular, the following Sections of the Commerce Commission Decree 2010;
1. Section 75: Deceptive or Misleading Conduct.
  2. Section 76: Unconscionable Conduct.
  3. Section 77 (1) (e): For False or Misleading Representation.
  4. Section 78: Misleading and False Advertisement
- H.** The Commission then requested Fiji TV to undertake the following as a corrective measure:
- a) Fiji TV needs to make a public apology via its station during the first segment of the News item;
  - b) Fiji TV will refund all monies collected through the texting promotions to the people that texted in earlier through cash refund or crediting the amount to their phone numbers.
  - c) Fiji TV will provide an undertaking that it will not engage in this type of behavior and maintain the highest ethical standards.
  - d) Fiji TV will provide an apology to individuals for whom the public voted for.

Fiji TV today signed a Deed of Settlement agreeing to undertake all of the above. The Commission will also develop and provide guidelines to all media outlets as to how the texting promotions are to be run in future to ensure compliance with the Decree and any other relevant laws of the country.

Yours faithfully,



Dr. Mahendra Reddy,  
Chair, Fiji Commerce Commission.