



GAZDASÁGI  
VERSENYHIVATAL

## Money back for unnecessary Megasztár votes

**The Hungarian Competition Authority (the GVH) found that in the 8<sup>th</sup> episode of the 4<sup>th</sup> season of Megasztár – a reality competition to find new solo musical talents aired by TV2 – when the contestants moving on to the Finálé were selected, the rules applying for viewer voting changed. However, no infringement was established because MTM-SBS Zrt. operating the channel TV2 and Interaktív Kft. producing the Megasztár show undertook to compensate the viewers for casting unnecessary votes.**

In February 2009 the GVH initiated a proceeding against MTM-SBS Televízió Zrt. airing the TV show series Megasztár and Interaktív Kft. producing the show. The competition authority noticed that some information published by these undertakings on the voting procedure in the 8<sup>th</sup> episode of Megasztár 4, broadcast by TV2 from autumn 2008, might have deceived consumers.

The TV series Megasztár 4 was based on viewer interactivity. The selection of contestants and thus the outcome of the show were subject to the viewers' voting by premium text messages and telephone calls. The series consisted of six pre-recorded and ten live shows. Viewers could vote for the contestants – for those who advanced into the 8 finals and ultimately for the winner – taking part in the eight finals and the Finálé (the ultimate show of the season, where the winner is selected) from Saturday to Saturday (from the end of one episode until the end of the next show). In the first seven finals of the series the public selected the contestants moving on.

Based on the above mentioned the order of selection in the 7<sup>th</sup> final was as follows: in the last part of the show viewer voting was stopped for a short while before the announcement of the decision of the judges. One contestant who received the most viewers' votes was selected to compete further. Then the viewer voting started again and viewers could vote once again for the remaining three contestants for a few minutes. When the voting was closed, the top vote getter made it past this round and the judges selected another contestant from the remaining two – just like in all former finals. After the 7<sup>th</sup> final, all information published on Megasztár encouraged viewers to support their favourite performers according to the same voting procedure.

Three contestants advanced into the 8<sup>th</sup> final on 6 December 2008, where making it into the Finálé was at stake. The voting already started at the end of the previous show of 29 November. On 6 December 2008, at about halfway of the show, after interrupting the voting, the judges advanced a contestant without taking into consideration viewer votes. Neither the judges, nor the viewers knew the number of votes that had already been sent by that time. After the decision of the judges the voting started again. The votes received by that time and the votes received following the selection of the judges were added up in the case of both

contestants. At the end of the final the performer receiving more viewer votes advanced into the Finálé. In the Finálé the selection of the winner was based solely on viewer voting.

In the 8<sup>th</sup> final of Megasztár the rules governing the voting procedure changed suddenly, without any warnings appearing in the ads and in the information provided during airing time. Therefore, the viewer votes for the contestant who was advanced by the judges into the Finálé anyway, became practically pointless. Having been informed about the above said, viewers would have had the possibility not to vote at all, or to vote for their second favourite contestant.

After the reception of the preliminary position of the GVH, MTM-SBS Televízió Zrt. and Interaktív Kft. undertook commitments. Accordingly, they would compensate the viewers concerned for the costs of sending the unnecessary votes. The undertakings will inform the voters concerned directly in text messages and via telephone, depending on the way the vote was sent, respectively. Furthermore, an announcement will be published about the repayment on the website and the teletext page of TV2.

The voters concerned have to provide the undertakings with their name and postal address within ninety days of the publication of the announcement via E-mail, text message, telephone or post, in order to get their money back by post. The undertakings are not obliged to pay compensation based on applications received after the deadline.

Pursuant to the commitment, after paying compensation for the voters, MTM-SBS and Interaktív will prove to the GVH that the consumers concerned have been informed about the chance for compensation and the consumers requesting compensation have actually got their money back.

By offering commitments, the undertakings have complied their behaviour with the provisions of the Act on the Prohibition of Commercial Practices that Are Unfair to Consumers and also the safeguarding of public interest could be ensured in this manner, thus the GVH has decided to make the commitments binding on the parties, and to terminate at the same time the proceeding.

Case number: **Vj-10/2009.**

Budapest, 23 September 2009

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