Balnaves, Mark, Tom O'Regan, and Ben Goldsmith. "The Audit." *Rating the Audience: The Business of Media*. London: Bloomsbury Academic, 2011. 74–98. *Bloomsbury Collections*. Web. 26 Apr. 2023. <<http://dx.doi.org/10.5040/9781849664622.ch-004>>.

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4 The Audit

Ratings methodology came into the United States public spotlight for the first time on a large scale with the quiz-show scandals of the early 1960s, even if it was not responsible for the scandal. The US Congress brought in its expert statistical methodologists to check out what the ratings companies were doing. In effect Congress undertook a formal audit. Auditing takes a number of forms. Sometimes it takes an informal turn as when there are methodological debates among proponents of different ratings systems. This happened in the 1930s when C.E. Hooper went public with his arguments for the superiority of his telephone coincidental method over CAB's recall method. It happened in the United Kingdom following the commencement of the ITV service in 1955 when Nielsen, TAM and the BBC's survey unit were engaged in very public debates over methodology and audience size. It is happening today as Arbitron promotes its portable peplemeter technology (PPM) as an alternative technology of the ratings. Sometimes the auditing process is conducted by independent or joint industry bodies such as the Media Rating Council (MRC) in the United States or the Broadcasters' Audience Research Board (BARB) in the United Kingdom. And sometimes, as in the case of the Congressional inquiry following the quiz-show scandals of the 1960s, auditing can be conducted by or through government processes.

In this chapter the authors look at some of these audit processes and the impact they have on how the media industry runs. It is not only research methods that are inside the black box of audience ratings. There is a whole array of groups, expert and non-expert, that monitor syndicated research. The different parties to the ratings convention need to have confidence in those carrying out the survey, in the quality of the instruments being used, and in the integrity of the results. In short, there needs to be integrity in the practice of the ratings and surveys and this integrity needs to be publicly demonstrated. Forms of public auditing provide this. Today, this auditing function has become increasingly contested.

Taming Error

In the United States the development of audience ratings has been the subject of extensive historical study (Beville 1988; Webster, Phalen and Lichty 2005). However, there have been few studies on the ratings as a social convention. A notable

exception is ratings intellectual Peter Miller, who concluded that audience ratings involves an arrangement where all parties have a common interest in a coordination rule, none has a conflicting interest and none will deviate lest the coordination is lost (Miller 1994). This arrangement dictates that in the operation of the ratings there must be: firstly, an appeal to the inherent correctness of the measurement; and, secondly, a demonstration that the information that emerges from the measurement process is eminently practical for day-to-day purposes.

The discussion on the audience-ratings convention in the previous chapters raises some important issues for the development of an overarching theory of audience ratings. We argue that the empirical evidence on how the ratings operate points to a pluralistic rather than a constant-sum view of power. In the case of Australia, the ratings firms had to lobby forcefully in order for a systematic ratings system to be adopted. These firms then had primacy in the definition and adoption of ratings for many decades. In the United States, competing ratings providers gave way to monopoly. MacKenzie's idea of markets – particularly market information – as engines rather than cameras is important to the understanding of the audience-ratings convention because individuals like Hooper and Nielsen, and the structures established, can transform the field and have an effect on individual and corporate actions.

In Chapter 2 the authors outlined Stigler's example of the Trial of the Pyx, where all the specialized techniques used were subject to debate and decision among different parties. Because each coin of the realm could not be tested individually, a sampling system was required. Likewise, audience ratings, the coinage of the media realm, brings with it particular measures that are often contested and used in particular ways. The corporate decisions that developed around the operation of the Mint formed into ongoing agreements on measures. The decisions made about coinage were linked in a complex web of ideas on measures and standards.

The auditing in the Trial of the Pyx has its analogy in the audience-ratings convention. The powerful rationale behind audience ratings is that it is both a *public vote* and a *market measure*. The Mint, likewise, was both standard coin for the realm and linked to individual baron's interest in its accuracy and use for trade and, of course, for reserve. No baron wanted another baron to have an advantage in coin because of manipulation of the measure and the weights. Ratings methodologists such as Art Nielsen, Bill McNair and George Anderson had no interest in providing bogus data or in taking short cuts that might devalue the accuracy of the ratings. However, the United States did not have a system, like the one that had developed in Australia, where clients bought both sets of ratings, McNair and Anderson, as a default audit of one on the other. Nor did the United States have the equivalent of the Australian Broadcasting Control Board (ABCB), an independent government body that kept an eye on both what the ratings reported and how they were used.

Importantly, also, McNair and Anderson decided very early on to provide detailed information about procedures in the ratings books themselves, including estimates of error. These qualifications on the data and the decimal points are important because they allowed clients to understand that ratings points numbers were probabilistic and that their interpretation required skill. This did not stop some clients treating the figures as precise estimates, but the provision of this advice within the ratings books only became mandated in the United States after a major scandal.

The corporate ethos associated with interpreting audience ratings in the United States compared with Australia was different in the period leading up to the 1960s. In the United States a corporate approach of *taming error* dominated. Audience ratings figures were often sold to clients as though decimal points represented the real numbers of listeners or viewers, regardless of statistical variance. Some companies, moreover, would sell audience data from surveys that had not been conducted. There was an additional problem. As the value of ratings grew so too did the motivation of organizations to 'hypo' the ratings. In the cases of deliberate deceit it was impossible for ratings companies like Nielsen to stop it. Gale Metzger recounts his personal involvement at the time when scandal hit:

In 1957, a congressional committee had stimulated a review of media rating services by the American Statistical Association (ASA) ... This was followed by the Congressional Hearings of 1963, a major episodic event. At least two underlying factors served to generate interest in the Congress. First, many in the Congress owned broadcast facilities. Lyndon Johnson was one. He and his wife prospered through their ownership of broadcast stations; they were not unique. Those involved individuals had a personal interest in the ratings; they realized that ratings determined the value of their assets. They also recognized the social importance of ratings insofar as they allegedly reflected the tastes and interests of the American people.

The ASA tactical review was directed by Bill Maddow and Morris Hansen. Hansen, Hurwitz and Maddow were renowned US statisticians. The three of them wrote an important text in the United States, *Sample Survey Methods and Theory*. They worked at US Bureau of the Census. They were not just great theoreticians. They had first-hand experience ... in the 1960s, they were hired by Nielsen as consultants. I was the liaison between those gentlemen and the Nielsen Company for about ten years.

The conclusion from the 1957 report was that the methods and procedures were reasonable. Some were not satisfied with that conclusion. A few years later, there was a quiz show scandal in the United States. A very popular quiz program, 'Twenty-one' was found to be rigged. Contestants

in sound-proof booths were found to have been given the questions in advance. This was not the pure measurement of knowledge and skills and understandings that was represented. Rather it was something that was being set up by the producers to create drama; the results were preordained. It was realized that producers were doing this in order to get higher ratings – more measured audience and to sell more advertising at higher prices. This re-raised the question of ... ‘What are these things called ratings?’ So there were Harris Congressional Hearings to consider the quality of ratings. Congressman Oren Harris was the committee chair. In those hearings it was determined that some measurement companies were bogus; i.e. were in effect making up numbers. Others were not forthright about their methodology – effectively not disclosing what they were doing and thus handicapping users in their efforts to understand the derivation of numbers that affected their businesses. A number of companies were examined, maybe ten, and some went out of business almost immediately.

Because Nielsen was the primary game in town, Nielsen was a focus. Two of the committee investigators, Messer’s Richardson and Sparger, camped out at Nielsen. They befriended many of the Nielsen people. In the meantime they were engaging in investigative techniques, which included going through the office trash cans. In the actual public hearings, Nielsen was handled harshly. It was determined, to the embarrassment of many of their clients, that Nielsen was not being totally forthright in their disclosure of their methods. Nielsen was not telling the clients all that they were doing or where they may have made compromises. It appeared to be more than just ‘putting your best foot forward’. Important network clients felt that they had been misled – effectively betrayed.

Henry Rahmel, the head of the Media Division, and Warren Cordell, the Chief Statistical Officer, were two people who testified for Nielsen. Arthur Nielsen Jr was in Europe and was not available to testify ... It was a traumatizing event for the Nielsen witnesses because both were aware that Mr Cordell had written a 13-page memo to Art Nielsen Sr justifying his appeal for a higher budget and more people in his department by citing weaknesses in the systems. He knew what was in the full memo. He did not know if they had the entire memo or just part of it or how they may have acquired what they had. It was a memo that was labelled ‘highly confidential’. In subsequent days, they slowly fed limited parts back to him. They had found copies of parts of this memo in the trash ... In those days we didn’t shred waste documents; extra copies went in the waste baskets. So that was how the investigators had acquired what they had. Cordell still didn’t know how much of it they had. The fact

that the hearings were coming may have stimulated a desire to do better and straightening things up. If there was a cause and effect, I was not aware. My sense was that there was a natural progression in trying to do better. In any event, at that point I was doing a lot with the networks and I remember after these hearings were finished, one of the Research Directors stood over me, wagged his finger in my face and threatened that if I ever participated in misleading him, he would have me castrated. The problem was that they were embarrassed. That should never happen again. The networks were the primary funders of all this work; it served as their market currency and if their currency was devalued, sales would be affected. (Metzger 2008)

The fallout from the Congressional hearings was the establishment of a Broadcast Rating Council (BRC), now the Media Rating Council (MRC). The BRC was overseen by an industry board with Hugh Malcolm Beville, who wrote a major history of audience ratings, as the first Executive Director. Beville had been Head of Research for the National Broadcasting Company (NBC) before the Second World War. He had been a high-ranking intelligence officer during the war and when he returned to civilian life he returned to the NBC. The BRC's successor, the Media Rating Council, is a non-profit organization. Revenue raised from membership fees finances the work of the council, with any company that uses media research eligible to become a member. Research providers like Nielsen and Arbitron are, however, expressly prohibited from becoming members. Today the MRC has almost 100 members drawn from the television and radio broadcasting, subscription television, print media and internet sectors, as well as advertising agencies. The MRC has a three-fold mission, as outlined by George Ivie, the council's Executive Director and Chief Executive Officer, in evidence to the Senate Committee on Commerce, Science and Transportation Hearings on the Fairness, Accuracy, Inclusivity and Responsiveness in Ratings Act in July 2005:

to secure for the media industry and related users audience measurement services that are valid, reliable and effective; to evolve and determine minimum disclosure and ethical criteria for media audience measurement services; and to provide and administer an audit system designed to inform users as to whether such audience measurements are conducted in conformance with the criteria and procedures developed. (Ivie 2005: 3)

The MRC conducts annual audits of rating service organizations which voluntarily submit to the auditing process. The MRC can also accredit new services, although the rating service organizations are neither required to submit their services for accreditation, nor prohibited from operating a new service that has not received

MRC accreditation. This became a major issue in 2004–5 when Nielsen expanded its rollout of Local People Meter, as we describe below. The MRC audits cover:

- Sample design, selection, and recruitment
- Sample composition by demographic group
- Data collection and fieldwork
- Metering, diary or interviewing accuracy
- Editing and tabulation procedures
- Data processing
- Ratings calculations
- Assessment of rating service disclosures of methodology and survey performance

Ratings services that submit to the accreditation process are required to disclose methods and performance measures, which may include:

- Source of sample frame
- Selection method
- Respondents by demographic group versus population
- Response rates
- Existence of special survey treatments for difficult to recruit respondent groups such as young or ethnic persons
- Editing procedures
- Minimum reporting requirements for media
- Ascription and data adjustment procedures employed
- Errors noted in published reports
- Data reissue standards and reissue instances
(Media Rating Council 2010)

Congress did not legislate to regulate procedures but set up this industry watchdog to oversee the ratings services. The rating council had and has a limited role, to check that the ratings services ‘say what they do and do what they say’. This includes disclosure standards. The label on a ratings book was required, like

that provided by McNair and Anderson, to show what the ratings service did, how it got the sample, how it processed the data and so on. This was and is a formal audit but it does not extend to performance standards.

The second part of the post-hearings mission was to do methodological research to try to improve the systems. The Justice Department gave the industry a waiver to allow working together on methodological research. Statistical Research, Inc. (SRI) filled the void left by Nielsen's exit. SRI was created in 1968 by Gale Metzger and Gerald Glasser, a statistics professor at New York University. SRI took over Radio's All Dimension Audience Research (RADAR) three years later. SRI provided independent biannual reports on radio network audiences and, as Metzger recounts, launched a major initiative, Systems for Measuring and Reporting Television (SMART), as an alternative to Nielsen:

They formed a group called CONTAM, which is an acronym for Committee on Nationwide Television Audience Measurement. There was also a parallel group called COLTAM, Committee on Local Television Audience Measurement, and COLRAM for Radio. Our firm was formed in late 1968, just after the hearings. My partner Gerald Glasser was from NYU. I left the Nielsen Company to join him and set up the firm. A good part of our work was with the networks in doing research on television audience measurement. We worked to assess how things could be improved. We did experimentation for the industry and for individual companies. What's reported in that 30-year history is a series of large studies, studies that were in those days funded at the US\$60,000 to US\$600,000 level. Doing this work and publishing it and discussions of findings were considered within the industry as a means to pressure Nielsen to do better over time.

But what really forced Nielsen to make changes was the threat of competition. When AGB [Audits of Great Britain] tried to come into this country with the peplemeter, that's when Nielsen picked up a peplemeter, not before ... Rating companies who have monopolies talk about conducting research to do better but they rarely change. They keep doing the same old, same old. There's a financial reality: the more you spend on methodological research, the less money goes to the bottom line. I feel that the Nielsen Company, so long as it was in the hands of the Nielsen family, was really driven by a broader principle ... The monetary objectives are secondary. Art Nielsen was a principle-directed person who was a shining star in my life.

When Nielsen sold the company to Dunn and Bradstreet, it converted from being a research company to becoming a money machine. With the monopoly position, they were making very good returns and it became very attractive to Corporate America. Now they have been sold several times and are in

the hands of private investors who have no interest in research; they have an interest in getting some multiple of their money back in a limited period of time ... That's a big part of the problem with the quality of measurement over time ... Our firm was successful because the industry felt that we could be used to encourage improvements – to do better work. Anyway when the peplemeter came in, there were many issues. We were retained in 1987 to do a peplemeter review. The product was a 600-page, 7-volume report on all aspects of the peplemeter. It was well received within the industry. We kept the industry quite widely informed and gave Nielsen basically an agenda for how to improve.

One of the major studies we did was a study on fatigue. We analysed TV tuning and persons viewing levels as a function of how long the meters had been in the homes. It was determined that the longer the meter was in the home, the less button-pushing occurred; that is, fewer people were reported to be in the audience. That study was a landmark. I don't think the core issue of fatigue has ever been addressed effectively or the study updated. The research has been mimicked around the world ...

After a person is assigned a task they may be quite anxious to do it right; that motivation may erode over time. It is also true that the meter has certain prompts to encourage people to enter their viewing. It implicitly encourages a cooperator to 'feed the monster'. If you push one button it stops bugging you. And if two or three people are in the room there's nothing to motivate the entry of that second or third person. We work with imperfect devices.

Notwithstanding all the work that had been done in the 1970s and 1980s, the feeling was that Nielsen really hadn't changed and still was not responsive. Nielsen had a pricing philosophy which became more onerous over time. They charged for everything you accessed. You couldn't just buy the service and then use it. You had to pay for every piece of data you got. Special tabs cost a lot of money and time. During the 1980s, Nielsen sold the networks home-by-home data tapes. The networks bought those tapes and gave them to SRI. We developed a special analysis facility and as an outside company could process and produce reports faster than Nielsen could for less money. Nielsen became aware of our service but they never did anything about it – to my amazement.

NBC was primarily behind this work and then CBS got aboard. As experiments, NBC would place parallel orders at the same time from Nielsen and from us. They would receive the tabs the next day from us and two weeks later from Nielsen – at double the price. Anyway CBS heard about this and CBS wanted to buy access to our system. Nielsen forced CBS to buy the tapes even though we already had the data on our computer. CBS paid

Nielsen US\$200,000 or US\$300,000 so that they could access that data. Nielsen turned the cheque over, endorsed it and put it in the bank. There was no work done. They were selling the data by each point of access. This business policy was galling to the networks. I thought it was self-destructive. As a business, you want to provide good, easily accessible information so that it gets used well and everybody prospers. As the clients prosper, you can charge more. They will pay more if you help them prosper.

So in any event, after the peplemeter review and the criticism around it, the networks decided that having this independent research to force Nielsen to improve wasn't enough. The industry needed to set up a better model. That began the SMART era ... SRI was commissioned to build a better system. You could say that this commitment was evolving during the 80s. The project was actually launched in '89 or '90 ...

We also had to negotiate an arrangement for the long term. AGB felt they were encouraged by the networks to compete with Nielsen and they lost a lot of money trying. Arbitron also claimed to have lost a lot of money trying to compete with Nielsen. If we built a large staff and the networks decided to walk away, we would be in the same position as AGB and ARBITRON. I was not prepared to get started in this and build a staff without having a fall-back position in case they did walk. Therefore, we had a cancellation clause which provided that if the project were terminated, we would be paid a shut-down fee. We negotiated a good contractual relationship.

In the almost ten-year existence of the project, there were three generations of meetings with the CEOs. We met with Larry Tische, the Cap Cities' team of Murphy, Burke and Sias and Bob Wright and the people at NBC. They collectively blessed the work and ultimately Fox joined the effort. Fox was growing during the 90s and we had a long negotiation over getting Fox in. There was a lot going on with the business side of SMART. The work itself meant that we built a brand new meter, we built an entirely new system; we put up a television audience measurement laboratory in Philadelphia and had it up and operating for almost a year.

An important business policy was that we charged a client one price and once they paid that price, the data could be accessed in any way they wanted. We also provided desktop reporting; the data were on your desktop computer and tabulations could be run at will. They could use the data effectively without incremental costs ... Special analyses were not a profit centre; it was a service centre.

In 1999, the SMART laboratory was up and going and we were ready to go to a national rollout. The year 1999 was a crazy time. It was the era of the

internet craze and extraordinary 20 per cent annual returns on investments. We joined hands with Anderson Consulting, a major consulting company, to help us rollout the service. We authored a \$100,000,000 proposal; we proposed that \$50,000,000 would be raised from within the industry and \$50,000,000 from outside. The outside portion was said to be easy to get after we had the internal commitments. In 1998, the inside sale was said to be a slam-dunk. But in 1999 there were changes in management. Larry Tische sold CBS. He was very committed to this project. Mal Karmazin came in. At NBC, Jack Walsh was about to retire. There was a report in *Businessweek* magazine that said he had put out an edict that any NBC investments must bring immediate payout; there would be no diminution of the bottom line.

The payout on SMART was four years plus. The national rollout was scheduled over three years. At that point, there would be two national services. Once the second service was operational, a choice could be made to go with the best and, at that point, benefits begin to accrue. As part of SMART, we proposed an Industry Board of Directors to help direct the system. It would not be solely controlled by SRI. We were not able to get the internal industry funding and SMART was shut down in 1999. Nielsen continues to be the sole supplier to the industry. Occasionally, people will call me and lament the loss of SMART. The industry had the opportunity and they passed on it. It was a practical business failure; not a research failure. The research product was great and industry observers will tell you that. We delivered on our promises. (Metzger 2008)

It is worthwhile quoting Metzger at length from his interview not only because of his central role in audience ratings history in the United States but also because he provides a succinct overview of the role of his company as at one moment an independent provider of checks on audience ratings and at another a potential competitive player in the provision of ratings themselves. It is a signal of the respect with which all parties to the audience ratings convention held Metzger that they could accept him as both competitor and independent player. That said, it is difficult to know whether SMART was a stalking horse to try to force Nielsen to change and, indeed, following the demise of SMART, Nielsen took up many of the innovations created by Metzger. Nevertheless, Metzger himself emerged after the Congressional hearings as part of a semi-formal auditing system in the United States. He was a key part of the CONTAM research and reports, especially the major Peoplemeter review. His company's research did what the MRC did not do: SRI provided performance overviews of existing ratings research.

The outcomes of the Congressional hearings, therefore, had a formal aspect in the creation of an independent body that checked that the measures were what

companies said they were and semi-formal encouragement at industry-research collaboration. There is, though, another semi-formal but nevertheless powerful means of auditing that affects the audience-ratings convention. This comes from litigation in the public domain. Once again, accuracy of the ratings is at the heart of the contest.

Invisible Audiences

If the ruler doesn't work, we can't use it to measure the room and know how much carpet to buy ... Radio was an effective medium and still is an effective medium – it is only the measurement that is not right. Ceril Shagrin, Executive Vice President, Corporate Research, at Univision Communications

Sample selection and accuracy in measurement have always been major issues for parties to the ratings convention. Occasionally disputes over methodology and participation in research can generate disagreements that call the credibility of research providers into question and threaten the very basis of the convention. Such disputes often arise from, or result in, the introduction of new measurement systems or technologies, and changes in the conduct of audience measurement services.

In 1999, for example, Nielsen began trialling 'local peplemeters' (LPMs) in the Boston television market, with a view to replacing the longstanding Audimeter/diary system. The LPM system was designed to provide detailed, year-round television audience data, and to circumvent the issue of errors in recall that are an almost inevitable part of the diary system. Nielsen chose Boston as a test market because it is less demographically diverse than other large television markets, which 'simplified the process of recruiting and maintaining a representative sample' and therefore helped keep costs down (Napoli 2008: 8). But this decision was met with immediate opposition from some broadcasters and advertisers who were concerned that the system would under-represent minority audiences, with implications for advertising revenue and programming. Nielsen continued to develop plans to rollout the system in other large markets including New York in 2004. But concerns about the LPM system's capacity to accurately measure minority viewing continued to simmer. In March 2004 Lachlan Murdoch, Deputy Chief Operating Officer of News Corporation, issued a statement condemning the preliminary results from the New York LPM trial, which appeared to show that audiences for some programmes aimed at minorities were significantly lower than under the diary system. New York Senator Hillary Clinton and two other members of Congress, along with a number of other leading New York political leaders,

then wrote to Nielsen President and CEO Susan Whiting to voice their concerns. News Corporation subsequently hired three PR firms to organize a 'community organization', 'Don't Count Us Out', to campaign against the LPM system principally on the basis that it threatened media diversity. New York Assemblyman José Rivera outlined the case against Nielsen:

This systematic undercounting [of minority viewers] could lead to the cancellation of numerous programs geared toward African American and Latino viewers, as well as impacting negatively on Spanish-speaking programming, dealing a serious blow to efforts to encourage diversity in the industry as a whole ... Nielsen's decision to use LPMs in New York effective April 8th directly threatens minority-oriented television programming, employment opportunities for minority producers, directors, actors, writers, and related businesses including advertising and television production. (Quoted in Napoli 2008: 11)

In April 2004, Nielsen announced that it would delay the launch of its New York LPM system until June. The company also announced its support for the creation of an Independent Task Force on Television Measurement, chaired by former Congresswoman Cardiss Collins, to review the system and the complaints. In July 2004, the MRC audit committee voted to withhold accreditation of Nielsen's New York LPM, citing problems with minority audience measurement and fault rates. Despite the supposed confidentiality of the audit report, extracts had been published in the *Los Angeles Times* in June, including findings that 'one in six viewers was improperly classified as black and one in nearly 14 viewers was improperly labeled Hispanic' (Napoli 2008: 15). Spanish-language broadcaster Univision entered the fray, filing a suit in the LA Superior Court seeking an injunction against the proposed July rollout of the LPM system in Los Angeles. Univision argued that Nielsen's Los Angeles sample was flawed, that the LPM data would be misleading for advertisers and marketers, and that this could negatively affect the provision of programming dedicated to minority audiences. The request for the injunction was denied, but the LPM issue was now firmly on the political radar, with the question of the impact of the system on media diversity now central to the debate.

In July 2004, a subcommittee of the Senate Commerce Committee held a hearing on the LPM issue, with evidence given by the President of Univision, the Executive Director and CEO of the MRC, the President and CEO of the Advertising Research Foundation, a representative of Fox Television Stations, and Susan Whiting, President and CEO of Nielsen Media Research. Philip Napoli later wrote that, 'While the bulk of the hearing was focused on the issue of Nielsen's methodology and the possible undercounting of minority viewers, the obvious subtext of the proceeding

was whether Congress should step in and impose some sort of direct regulatory oversight over the television ratings business' (Napoli 2008: 17–18). After the hearing, Nielsen announced that the William C. Velasquez Institute, a non-profit research organization specializing in research relevant to Latino Americans, would evaluate and make recommendations on its television audience measurement systems. Nielsen also provided an initial US\$2.5 million in funding to establish a new joint research initiative, the Council for Research Excellence, to work on large, industry-wide projects.

Still the issue rumbled on. In July 2005, four Republican senators sponsored a bill to create the FAIR [Fairness, Accuracy, Inclusivity, and Responsiveness in] Ratings Act, which was referred to the Senate Committee on Commerce, Science and Transportation. The FAIR Act proposed to make MRC accreditation mandatory for providers of television ratings measurement systems; in other words, Nielsen would be prevented from continuing with any LPM trials that had not been audited and approved by the MRC. The Senate Committee heard testimony by George Ivie, Executive Director and CEO, Media Rating Council; Susan Whiting, President and CEO Nielsen Media Research; Ceril Shagrin, Executive VP for Research, Univision; Pat Mullen, CEO, Tribune Broadcasting; Kathy Crawford, President of the consultancy and media buying firm Local Broadcast MindShare Worldwide; and Gale Metzger, former CEO, SMART Media.

The accountability of Nielsen's services, the representativeness of the MRC, and the issue of accuracy of measurement featured prominently in witness testimony. Nielsen argued that mandatory accreditation would inhibit the development and improvement of services, while the company's critics argued that its monopoly position was the real threat to innovation. Gale Metzger went so far as to say that 'it would be difficult to have less competition or less innovation than we have now' (Metzger 2005: 3), and noted that in the past it had only been the threat of competition that had forced Nielsen to introduce new technologies. Susan Whiting pointed to Nielsen's intention to adopt a recently introduced MRC voluntary code of conduct, to the company's support for the Independent Task Force on Television Measurement and to its funding of the Council for Research Excellence as evidence of Nielsen's commitment to accuracy and accountability. 'Nielsen Media Research is in the truth business,' she argued, 'the truth of what people are actually watching on television, and how they are watching it' (Whiting 2005: 1).

While the catalyst for the introduction of the bill had been concerns that the LPM system under-counted minority audiences and therefore posed a threat to media diversity, the hearings and the debate around it revealed a great deal about the tensions and issues within audience measurement in the United States even though the bill ultimately did not enter into law. As Philip Napoli has observed,

the introduction of the LPM, as with any new technology, changes the overall picture of the audience, with implications for all parties to the convention (Napoli 2008: 20–21). This was the case again in 2009 when the Federal Communications Commission launched an inquiry into the impact of the introduction of Arbitron's Portable People Meter (PPM) measurement system on radio stations targeting minority audiences.

Hispanic advertisers and radio managers had been shocked to find that Arbitron's Portable People Meter significantly under-reported the Hispanic audience, even compared with the US Census that also under-reports Hispanic households. Big money rides on radio ratings and if you do not have any ratings for your radio station or programme then you do not have an audience to sell in the market. The issue of Hispanic representation in the ratings went to court in 2009 and Arbitron subsequently reached agreements with the New York and New Jersey State Attorneys General. Arbitron agreed to change its ratings system to ensure that ethnic listeners were properly represented, including recruiting participants through a combination of telephone number and address-based methods and increasing the number of cell phone-only households.

The National Association of Black Owned Broadcasters (NABOB) and the Spanish Radio Association were required in the ruling to fund a joint project to support ethnic radio. This dispute gives an insight into the impact of the 'black box' of audience ratings as a sampling and a survey technology and the multiple interests tied up with them. It was a different insight than the US Congressional hearings of 1963. The issue at stake in this court challenge was not only the role of ratings companies in representing ethnic audiences accurately, but the role of the Census itself in accurately reflecting the US population. Ratings companies use the Census to construct the establishment surveys from which panels are drawn. If the Census under-represents particular groups or communities then the ratings panel will do so as well. In the case of Hispanic communities there are various reasons for under-representation, ranging from an unwillingness to complete the Census through to difficulties in finding the communities themselves. Some in the Census management have proposed using sampling techniques to represent the Hispanic community. A census, however, by its nature is a census, counting everyone, and that proposal has received strong resistance from political parties, especially the Republicans, and within the Census management itself. The US is not the only country that has difficulties counting its ethnic communities.

There are also audiences whose preferences are not expressed through the formal ratings system. The audience in the case against Arbitron was represented by legal means and specific organizations operating in the ratings market. Modern social networking media have encountered the voice of the audience in the market

but not through legal parties. Facebook planned to exploit the private information of its 500 million members by creating one of the world's largest market research databases. It planned to allow multinational companies to selectively target its members in order to research the appeal of new products. Companies would have been able to pose questions to specially selected members based on such intimate details as marital status and sexual preference. In 2009 Facebook amended its privacy settings that allowed Facebook to take ownership of anything users posted on to their profile and even delete their accounts (Walters 2009). Facebook users were outraged and protested against the social networking giant. Mark Zuckerberg, the founder, issued a statement saying, 'trust us, we're not doing this to profit from you, it's so we are legally protected as we enable you to share content with other users and services' (Walters 2009). Needless to say, users were not happy to just 'trust' the CEO of a billion-dollar company and Facebook was forced to revert back to its old privacy policies. Zuckerberg subsequently set up a poll asking users to vote on new privacy policies as he still felt they need to be updated (Musil 2009).

What we see in the Facebook experience is what history has told us about audiences and the media industry. Audiences are sensitive about the ways they are represented and how information about them is used. The metrics associated with audiences – how they are measured and how the information is captured – are directly related to how decisions are made about advertising, programming and the provision of services. Facebook, in short, came up against what traditional broadcasting has experienced for decades. Particular agreements and arrangements have to be made when dealing with audiences that limit intrusion but still allow the interested party to gather information about them. Facebook, in short, was not part of an audience-ratings convention.

Facebook's experience is part of a trend towards the measurement and monetization of massive audiences online that are perceived to have economic value. Google bought YouTube in 2006 for US\$1.65 billion when YouTube had over 100 million videos viewed and over 72 million individual visitors every day. Google makes its money from small text advertisements that appear next to Google search results. These advertisements deliver most of Google's US\$16.6 billion in revenue. This is a different model from traditional audience measurement. Google started planning in 2007 to have advertisements that appear inside videos on its sites. Google's approach is to buy massive audiences and to experiment with them. It does not need panels or samples because it has either a record of what its users do, or a site like YouTube, where the audience gathers. That audience in itself has economic value. This idea of looking at the census and not the sample has not escaped dedicated pay-TV services. Ian Garland, formerly a senior director at Nielsen and

now head of the Australian Subscription Television and Radio Association (ASTRA), outlines the pay-TV view.

I think that we've lived in this really interesting period, certainly in Australia from 1956 until 1996, when pay-TV started, when there was 40 years of oligopoly rule. From 1996 to 2000, and since 2007, we saw subscription TV primarily challenging it, and the advent of broadband means that there is now alternative challenges, not just to free to air, but also to pay-TV as well ... I have a 13-year-old daughter, and last year she harvested all of *Chaser* [a comedy show] online. And, in fact, there was another example that came from that, even in our home, where we have Foxtel IQ, we came home to watch some live sport, and we didn't have a second unit, and she was halfway through a *Friends* episode. So she left that, went into her bedroom where she has a laptop, and broadband access, and she found the rest of the episode online. That, to me, says there's a mindset here, and this is, part of this is coming to an overarching model of how the consumer works, and just understanding the nature of the consumer, and then where the money comes with regard to that ... Audiences can no longer just be assumed to be this passive mass which is sitting back there waiting for the seed, whether it's program or advertising, to fall on fertile ground. I think broadcast, the traditional model, it's throwing seeds as widely as possible, hoping as many [as possible] will take root. For us in pay-TV, it's about targeting. And, indeed, we talk about fragmented audiences or fractionalised audiences. But that is almost the negative. The glass half empty. The glass half full for us is all about targets. We know each of our customers. Austar, Foxtel and Optus each have one to one relationships with over two million subscribers today. They know more about those people than 7, 9, 10, the ABC [Australian Broadcasting Corporation] and SBS can know about their 20 million subscribers because, at best, they're throwing it out, hoping it lands somewhere, and there's no particular link back. Subscription TV by definition, the most important metric, is, 'are they paying to keep the service next month?' (Garland 2008)

In Australia Foxtel and regional pay-TV group Austar, in conjunction with Multi Channel Network (MCn), announced in 2008 the launch of a new digital television audience measurement system (AMS) that would, the group argued, be the largest measurement system in Australia, providing viewing results from a panel of 10,000 Australian subscription TV homes (Bodey 2008). The system is designed to give the pay-TV group information on how Australians are adapting to the digital TV environment, the acceptance of the new standard definition and high definition multi-channels, and trends in timeshifted viewing. 'No one was willing to admit

it was a competitive service to OzTAM's, which measures free-to-air and pay-TV viewing. Rather the new system is seen as complementary' (Bodey 2008). (OzTAM is the Australian Television Audience Measurement.) This shift of pay-TV providers towards their own ratings is not only an Australian phenomenon, it is an international phenomenon.

There is nothing wrong with Google having proprietary control over its audience research. Indeed, there is nothing wrong with pay-TV controlling its own research. However, such an arrangement does not solve the problem of a universally agreed currency for the media trade or public transparency of research results. Historically, as earlier chapters have shown, hyping or distortion of representation of the markets and audience are irresistible where formal auditing mechanisms are not there. The newspaper and advertiser experience in the United Kingdom at the beginning of the 1900s is a classic example of what happens when non-audited, non-public systems are the only systems of claiming audience figures. The US Congressional hearings on audience ratings were extraordinary not only because of the pressure on commercial owners who woke up to their public importance, but also because of the recognition that the conventions governing audience ratings were also in the public interest.

The British Broadcasting Corporation (BBC) never had in its early years the problem of trying to demonstrate an audience to a commercial market. Its brief was already one of having to demonstrate to the government that it was representing the public.

The BBC: Robert Silvey's Thermometer and Barometer

Audience measurement, properly used, can be a good servant; but it is a bad master ... the fate of the *Battleship Potemkin* shows what happens when the ratings take over. Robert Silvey, Head of BBC Audience Research, 1936–60

It is a remarkable feature of the early BBC that its broadcasters worked in almost complete ignorance of their audiences. None of those involved in making programmes for the British public had any systematic knowledge of the audiences for whom they were making these programmes nor the reactions of those audiences to the programmes they had made. As the BBC's first Listener Research Director, Robert Silvey, himself pointed out, unlike other inter-war mass media, the cinema or the newspaper press, broadcasting had 'no box office, no sales figures'; the 'link between microphone and listener ... carried only a one-way traffic'. Siân Nicholas (Nicholas 2006)

All the time there has been in the background, the inexorable tick of thousands of meters and the rustle of completed questionnaires – surely the most comprehensive cattle herding operation ever undertaken. Sometimes one is compelled to ask oneself whether it is not reminiscent of the Maginot Line – a magnificent structure but did it really serve any useful purpose? Nigel Rogers (Rogers 1969: 31)

The United Kingdom has its own ratings intellectuals, not least Tony Twyman, Gale Metzger's counterpart in the United States. But, as Siân Nicholas suggests, it also had its 'anti-ratings' intellectuals (Nicholas 2006). Robert Silvey was an audience research methodologist and head of audience research for the whole of the early part of the BBC's audience research history and before competition entered the broadcast market. He may have been anti-ratings but he was certainly not anti-probabilistic sampling. The limits on Silvey's work were directly imposed upon him by his management. The BBC decided early on, and provided the direction to senior management and to Silvey, that audience research was *not* be used to determine future policy of the BBC.

The BBC started broadcasting in 1922 and was incorporated by Royal Charter in 1927, giving it independent status, at arm's length from government interference. In 1936 the BBC began systematic audience research when it set up the Listener Research Section (LRS) in the Home Intelligence Department of the BBC Public Relations Division. The LRS became the BBC Listener Research Department (LRD) in 1939 and in 1950 the LRD was named the BBC Audience Research, as television started to become a major medium.

We know from the historical record that the BBC had its own advisory committees, public meetings, personal contacts and listener correspondence – over 50,000 items a year by 1927 – that provided feedback on radio programmes. The BBC sought listener comments through radio appeals, advertising in the *Radio Times* and sometimes through 'programme consultants'. Outside of the BBC the press ran listener 'preference polls' and did their own listener surveys. The listener associations and the Radio Manufacturers' Association also collected listener views.

Silvey was 31 in 1936 when he started as head of research at the BBC. He had been employed in the statistical department at the London Press Exchange (LPE) and was the author of *News Chronicle's* path-breaking 1931 'Reader Interest Survey of the British Press'. Silvey had also undertaken a survey of English-language broadcasts and advertisements directed at UK radio listeners from Europe. This audience was in the tens of millions.

Silvey was under no illusion about his brief at the BBC. It was not part of his section's role to apply its findings or even to decide whether research findings should

be applied or not. 'This explicit separation of audience research from programme-making was crucial to its initial acceptance within the BBC; as Silvey later put it, "Map-making and navigating were quite different functions. Ours was map-making". Listener research findings were to be made freely available to BBC staff, but were considered to be confidential to the BBC and not to be published or otherwise disseminated in any way except in certain narrowly defined circumstances, usually publicity-related' (Nicholas 2006). This did not mean that the BBC itself did not have very precise views of what kinds of research interested it. Indeed, it was made clear to Silvey that a 'sociological' and not a 'statistical' approach should inform his research.

In May 1930, Charles Siepmann of the Talks Department and Val Gielgud (brother of Sir John), Director of Features and Drama, both of whom had long expressed frustration at the lack of substantive information about the audiences for their programmes, strongly argued for a more systematic approach to audience research. In response to those who feared the tyranny of crude audience figures, Siepmann argued that what was required was not a 'statistical' but a 'sociological' approach. This point was subsequently reinforced by Hilda Matheson, former BBC Director of Talks (1927–31), who, writing in the *Sociological Review* in 1935, argued that information about the modes of presentation that audiences preferred were just as important as information about the types of programme they most listened to; further, that 'more attention was being paid to social change in primitive societies than to the social effects of radio'. One of the BBC's principal programme consultants, Filson Young, underlined this point, arguing that what was needed above all was an understanding of the role that listening itself played in people's lives. (Nicholas 2006)

Silvey's first work involved creating 'panels' – not of the Lazarsfeld kind and not probabilistic. The 350-member Drama Panel, for example, was made up of ordinary volunteer listeners who filled in qualitative questionnaires over a three-month period about each production of the Department of Features and Drama to which they had listened out of a possible total of 47 productions. This panel was considered very successful by the BBC and Silvey subsequently created other similar panels for other programmes, like Talks (spoken-word programmes). Silvey called this research the Listening Thermometer because it registered the 'temperature' of the audience response to a programme. Silvey understood, however, that the weakest part of the methodology was in estimating audience size for programmes and in his final report he advocated to BBC management that the principal need was for some way of measuring not only 'audience

opinions about a programme but the actual size of that audience' (Nicholas 2006, emphasis added).

Silvey rejected the research methodology currently being developed for radio in the United States as one-dimensional and unreliable, including telephone coincidental, telephone recall and the Audimeter. Sampling methodology, however, Silvey had time for, even though the BBC itself considered modern sampling as dubious:

Silvey's compromise was to draw up what he termed the Listening Barometer (i.e. it measured 'pressure rather than heat'), setting out to measure not a monolithic 'radio public' *per se* but the variety of 'radio publics'. The first such 'barometer', the Variety Listening Barometer, was established in the autumn of 1937, and comprised 2000 listeners randomly recruited from an astonishing 47,000 volunteers after a microphone appeal by Director of Variety, John Watt. These volunteers completed weekly logs specifically listing the Variety programmes they had listened to over the previous week (again, 'No Duty-Listening, please!'). After interviewing a parallel control group it was discovered that while the members of the Variety panel were, unsurprisingly, atypical of the average listener in the *extent* of their listening to Variety programmes, they were in fact quite representative in their relative *choices* of programme. The panel findings could therefore be used to register listener choice by estimating relative if not absolute audience size. On this basis, [the Listener Research Department] was permitted to extend the experiment and establish a General Listening Barometer of each day's listening, based on weekly returns from 4,000 volunteer listeners. (Nicholas 2006)

In 1937 and 1938, Silvey conducted the first national surveys of listening habits ever conducted anywhere in the world. His team recruited 3,000 households from the General Post Office's list of wireless licence-holders. The one-sheet questionnaire sought information on times of day people listened to the radio and what types of programmes they liked and when. Silvey received a 44 per cent return rate and found a pattern of daytime listening that peaked between 1 and 2 p.m., then again between 5 and 6 p.m. Listeners preferred light music in the middle of the day, with variety, plays and talks in the later afternoon, with a steady audience until 10 p.m. 'Members of the BBC senior management who had long argued that "nobody dines before 8" were shocked to learn that in fact most people had finished their evening meal before 7 p.m.' (Nicholas 2006)

As Nicholas points out, Silvey's work had a direct parallel with Tom Harrisson and Charles Madge's Mass-Observation movement that started in 1937 and Silvey's work meshed well with the research ethos of the time (Nicholas 2006). Harrisson

and Madge's approach was quasi-anthropological and involved volunteer-based 'observation':

Hilda Jennings and Winifred Gill's impressionistic study of the impact of broadcasting on a working class area of Bristol, *Broadcasting in Everyday Life*, commissioned by Silvey, has distinct parallels of tone with Harrison and Madge's Penguin Special *Britain, by Mass-Observation*, published almost contemporaneously. It took the Second World War however fully to vindicate Silvey's approach, and to give him scope both to consolidate his research and to extend it into previously forbidden territory. (Nicholas 2006)

By 1939 Silvey had restructured his General Listening Barometer from a weekly to a daily survey of listening, measuring audiences for all radio programmes in the schedule – a cultural marker of the move to 'statistical' audience research and evidence of the BBC's support for sampling as a research method (Nicholas 2006). In addition to the Thermometer and Barometer, Silvey expanded the range of Listener Panels and recruited a network of 2,000 unpaid 'Local Correspondents' who provided answers to monthly questionnaires.

While Silvey and his team's work before and after the war was not, by direction, supposed to influence BBC policy, there can be no doubt that it had its strategic use outside the BBC:

The LRD also proved useful to the BBC in another way. It provided the ammunition with which the BBC could counter the unreasonable demands of government, thereby preventing ministerial attempts to influence, for example, the selection of particular speakers, the choice of presentation style or the scheduling of particular programmes in which they had an interest. Tellingly, when in January 1943 Silvey offered to reduce LR's costs by discontinuing the Forces Survey, senior management rejected the offer on the grounds that this would leave the BBC with no means of countering unwanted interference from the Service ministries. (Nicholas 2006)

It might be argued that the United Kingdom did not have any formal or informal auditing of audience research in this period because it had in its early history no audience ratings and was not involved in any direct way in the development and application of audience ratings technology. This, however, is far from the case. Silvey, like his counterparts in the United States, had an interest in creating methods that could provide an overview of the audience and its preferences. Unlike his US counterparts, however, Silvey made study of *engagement* of the audience the key methodological issue, something that has returned as a key methodological issue in the contemporary moment. Silvey's methodology, of course, would not be

accepted as currency for media buying because there is no way to get industry agreement on either the Thermometer or the Barometer as a universal measure. The BBC's approach to methodology, however, directly affected the auditing regime when the market became competitive and when audience ratings did enter the United Kingdom. Silvey was still involved with broadcasting research up until 1960 and the ethos of strong control over audience research remained.

Today the non-profit Broadcasters' Audience Research Board (BARB) oversees audience measurement for both commercial and public service broadcasters. BARB sub-contracts the actual data collection but keeps strict control over the processes. It was formed in 1981 when the BBC and ITV jointly established a ratings measurement organization. BARB is funded by the BBC, ITV, Channel 4, Five, BSkyB and the Institute of Practitioners in Advertising (IPA), and is the only provider of audience measurements for all channels across all platforms, including terrestrial, satellite and cable. This has not stopped other broadcasters or media content providers employing other measurement agencies to collect audience research data, but BARB is the formal authority. Australia, on the departure of McNair and Anderson, similarly maintained a strong auditing regime. OzTAM in Australia appointed Australian Television Ratings (ATR) to collect the data, later to become AGB Nielsen Media Research and now Nielsen. Nielsen still conducts the ratings for radio on behalf of Commercial Radio Australia (CRA). The Australian system employs a formal independent auditor to review the methodology. Canada has two ratings services, BBM Canada (originally known as the Bureau of Broadcast Measurement) and Nielsen Media Research. BBM is non-profit and owned and operated by broadcasters, advertising agencies and advertising companies. In July 2004 BBM and Nielsen announced an agreement to merge their TV ratings creating a single source of ratings. Like Australia, Canada ran for many years with competing ratings services, but unlike Australia these services were not used as a default audit.

Summary

The authors in this chapter presented an approach to understanding the audience-ratings convention that focuses on the types of agreements reached among the parties. Styles of reasoning are deployed in the audience-ratings convention, ranging from statistical reasoning through to marketing. In the United States the methodological styles of reasoning and the market styles of reasoning clashed in the public domain. The common practice of fudging audience figures presented to clients, as though they were scientific, came up against the methodologists in the US federal government.

Auditing regimes, whether formal or semi-formal, in the audience-ratings convention have the function of minimizing manipulation. Catherine Marsh makes a perceptive comment about manipulation in her 1982 book *The Survey Method: The Contribution of Surveys to Sociological Explanation*.

There are two quite distinct ways in which surveys, or social science in general, have been held to be manipulative. The first, which can be called 'abuse of power', recognizes that knowledge about the social world, in an analogous way to knowledge about the natural world, gives power to those who own or control it, and hence gives them the wherewithal to put it to ends of which one may approve or disapprove.

The second, which may be called 'ideological manipulation', asserts that the so-called 'knowledge' about the social world is not knowledge which is grounded in outside reality but is an ideological reflection of some kind, created through artefactual or reified means, whose acceptance furthers particular interests.

You cannot make both these criticisms at once: either some particular piece of knowledge is powerful enough to endow its owners with a real basis for action when they intervene in the world, or it is artefactual and serves as the basis for various ideological constructions. There has been a tendency to present both criticisms of surveys, especially opinion polls, alongside one another without facing this contradiction. Surveys of objective or subjective phenomena raise the possibility of the abuse of power, whereas opinion polls are the correct object of a criticism of artefactuality. (Marsh 1982: 125)

Audience ratings, with their dual identity, are capable of being classified under both forms of manipulation, in Marsh's sense. This is precisely why ratings fall into a different category from other forms of survey research. Ratings are continuously contested, within the industry itself and outside of it. If audience ratings seem to become more tied to private interests, at the cost of accurate representation, then the situation is pulled back by having auditing mechanisms that help with balance. If audience ratings are perceived as artefactual, then actions are taken to address methodological or application concerns, as in the case of the Hispanic audience.

But mostly the ratings' auditing regimes are behind the scenes. Auditing tends to be a vigorous, largely intra-mural conversation among the parties to the convention. The public rarely sees the memos that fly back and forth between television stations and ratings providers, advertisers and television stations, technical sub-committees of networks, and advertisers and ratings providers. Sometimes the public sees both the formal and informal types of auditing together when there is a bun fight – particularly when different parties to the convention take issue with ratings provision

or when there is a move to 'new technologies of counting' which disrupt the market and broadcaster bottom lines. In the contemporary moment we are seeing a return to the highly charged circumstances of the early 1960s in the United States as parties to the ratings convention are now involving and enlisting external parties, including legal forums, Congressional members, foundations and other agencies. This is because the stakes are so high, whether for OzTam in Australia, BARB in the UK or Nielsen in the United States. These high stakes are a consequence of the 'single source' characteristics of ratings provision that can create a feeling among various parties to the convention that the other parties to the convention are exercising undue power and authority over it and are largely unaccountable with respect to it.

With quite different and even opposed interests needing to be taken into account protocols need to be developed to ensure that the ratings are not influenced – and are not seen to be influenced – by the action of any of the parties to the convention. The need for assurance that the ratings survey is being performed competently has been historically met through a combination of means:

- Accreditation for ratings systems secured from a media ratings council of some kind, with such accreditation being dependent upon ongoing oversight.
- The appointment of external auditors on both a continuing or an ad hoc basis to deal with particular problems.
- The establishing of ongoing high level technical committees acting as a liaison point between ratings providers and the parties to the convention providing an ongoing feedback and checking loop.
- The 'holding to account' of ratings providers and their instruments in regular public and industry forums such as the American Association for Public Opinion Research (AAPOR). Constant discussion and debate has been historically an important mechanism for improvement and innovation in ratings services. AAPOR has functioned as a discussion place for methodologies and their application. It functions to exchange ideas and stabilize 'data analysis' and the consideration of various forms of 'data collection' and the like.
- The public criticism of ratings providers by other ratings providers and would be providers. Different survey proponents favour their own system.
- The establishment of ad hoc inquiries, studies or hearings in which ratings practice and methodology is the subject of sustained interrogation. Studies

might be commissioned by different parties to the convention, sometimes by the rating provider as with the recent Nielsen non-response survey, and sometimes by external agencies (such as Congress in the United States).

- The carrying out of regular research programmes designed to map the changing context of viewer use of media inside and outside the home to provide a check on the adequacy of the data collection instruments. With a constantly changing media scene there needs to be confidence that the methods of data collection remain adequate to the measurement of changing viewing and listening circumstances and accommodate the advent of new technology.