

# Prober Tells How to Rig Ratings for Fun, Profit

By Lawrence Laurent  
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A former Congressional investigator said yesterday he could make any television show a success.

"It's easy," said Rex Sparger, 33. "All you need to do is to learn the location of the homes in the A. C. Nielsen Co. sample and 'influence' those people."

Sparger's rigging of ratings has made him the defendant in a \$1.5 million law suit, filed Thursday in Oklahoma City by Nielsen. The ratings company charges Sparger with using a "subterfuge" to influence ratings.

By long-distance telephone, Sparger said: "They're wrong. I didn't try to rig ratings. I did rig ratings and on more shows than the one they claim."

The rigging was done, he added, as part of research for a book he is writing. He emphatically denied that the work was done for a sponsor or a network.

Sparger said he influenced the rating for the "Bob Hope Vietnam Special" by telephoning A. C. Nielsen sample homes. If a man answered, Sparger said: "Tell your wife that she'll see someone she knows in Vietnam on the Bob Hope Show tonight." He substituted "tell your husband" whenever a woman answered.

Sparger said he made "in excess of 40 telephone calls,"

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nearly all of them long distance.

To influence the ratings of a "Carol Channing Special," Sparger mailed Nielsen homes a questionnaire with \$3 attached. If the person watched the program and answered the questions, Sparger was willing to send an additional \$5.

Sparger picked specials to prove the validity of his technique, he said. "I helped Hope's show because he's such a wonderful man." The Channing show was chosen Sparger said, "because all three of the competing programs had already been cancelled for next season."

## Audimeter System

The first point at issue is the closely guarded secrecy of the 1100 homes that are used in the Nielsen sample. Each of those homes has an audimeter attached to the TV set by agreement with the family. The audimeter records when a TV set is turned on and to which channel it is tuned. Every change of a channel setting is also recorded.

The audimeter records are compiled at the Chicago headquarters of Nielsen and sold to TV networks, stations, sponsors and advertising agencies. In TV, a Nielsen report is referred to as "the Bible."

Nielsen charges that Sparger unlawfully appropriated its trade secrets, interfered with the company's relationship to its clients and that he used an unfair method of competition.

To which Sparger, on the long-distance telephone, responded: "I broke no law, no rule or no regulation."

Because of the law suit, he declined to say just how many Nielsen sample homes he uncovered or how he got his list. But he made fun of the secrecy that surrounds the A. C. Nielsen sample.

## Anybody . . . Can Do It

"Anybody with a little money and a little time," he said, "could find all (1100) Nielsen homes." He doubted it would take more than six months.

The Hope Special won the highest rating ever for a program of its type. The Channing show had a bigger rating than any of its competitors.

Sparger said he had in-

fluenced the ratings on other programs, but declined to name them "because of the law suit."

Sparger learned about the ratings services in 1962-63 as an investigator for the House Special Investigations Subcommittee. The investigation he conducted with committee attorney Robert E. Lee Richardson led to six stormy weeks of hearings; to an overhaul of the Nielsen sample and to the creation of an Audit Bureau of Ratings by the National Association of Broadcasters.

The auditing service, according to Sparger, is "ridiculous."

Sparger said that he conducted the rigging for his book, because he had been falsely accused by Nielsen before the House Investigations subcommittee and because "I am damn tired of A. C. Nielsen controlling TV in the United States."

None of the House probe's information was used, Sparger emphasized, adding that all of it became out of date when Nielsen changed the membership of the sample.

In Chicago, a spokesman for Nielsen said: "Our legal counsel has advised us not to comment on the case.

Laurence Frerk, a public relations man for Nielsen, added: "We feel we have a good case or we wouldn't go to court."

Sparger said the suit was filed "in an effort to intimidate me." He said that if Nielsen failed to pursue the case in court, "then I'll file a countersuit and pursue it myself."

Sparger said that each sample home represents 50,000 homes in the United States and that he could push up a rating by 3.5 points, by himself. Besides the phone and questionnaire methods he used Sparger said:

"I know four or five other ways to rig ratings, and I was going to test them, too, until the suit was filed. Now, I'll just outline the other methods in my book."

#### Project Begun in July

Sparger said he begun his project last July and "easily" accumulated a list of Nielsen sample homes. A short time later, he added, Nielsen began trying to learn who was trying to rig its ratings.

The questionnaires on the "Carol Channing Special" were returned to the Long Island City (N.Y.) apartment of a friend of Sparger, commercial artist Thomas L. McArthur.

Shortly after questionnaires started coming back, McArthur said yesterday, the apart-

ment was put under surveillance by private detectives.

One of them, he continued, "came to my apartment and claimed to be from the telephone company. He returned an hour later and pushed McArthur from the doorway into the apartment, McArthur said.

"There were five men in all," McArthur said, "and one of them was a deputy sheriff with a warrant for my arrest."

The warrant charged McArthur with contempt of court. He said that two subpoenas had been served on him earlier but that neither he nor his lawyers had noticed the date he was to appear in court.

"They took me to court," McArthur continued. "One man, better dressed than the others and whom I took to be a lawyer, called me off to one side and said:

"You wouldn't have to put up with this, if you'd tell us who is using your mailbox."

#### 'Gestapo Tactics'

McArthur said the "Gestapo tactics" made him even more determined not to cooperate.

"Finally," he continued, "there was a pre-trial hearing and I had to testify under oath. My attorneys advised me to tell them about Rex and his use of my mail box."

Nielsen charges that Sparger unlawfully appropriated the company's trade secrets; that he interfered with their contracts and the performance of their business; that he made fraudulent misrepresentations to members of the sample and that he used an unfair method of competition.

About that book Sparger is writing, he playfully suggested that its title might be "From Rigs to Riches" or, perhaps, "How to Rig TV Ratings for Fun and Profit."