

Business model of deception: An ethics case study

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ABSTRACT

A fundamental axiom of modern business has become the simple conviction that businesses who act unethically, mistreat their customers, or persistently test the boundaries of the law will eventually falter. There is ample evidence to support this position. Yet there are also examples of entire industries that seem to challenge this principle. This study examines one specific company that steadily accumulates customer complaints while operating in an industry that has journalists asking, “How is this legal?” While rejecting all criticisms, this company has, by all outward appearances, flourished. Its practices are questionable, but also shrewd and informative. This study will identify and analyze these practices to help illustrate how a business can seem to defy the simple notion that poor behavior has consequences.

Keywords: False advertising, Scalping, E-commerce, Ethics, Law



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A February 2022 article on the Forbes website features Event Tickets Center, Inc., a company that does work “as old as time, just set to a new futuristic beat” (Fuller, 2022, n.p.). Through the “brilliance” (n.p.) of the company’s strategy, including its creative use of data analytics and digital marketing, the company has reportedly grown to over \$100 million in annual sales in a competitive market.

However, what is not reported in the article are the hundreds of complaints filed against the company. Angry customers allege fraud. They have threatened to sue or to call the police, and plainly feel deceived and abused (Better Business Bureau, 2022a). Yet in an era where most companies hustle to satisfy customers and protect their online reputations, as a matter of survival, Event Tickets Center is apparently thriving. Such a curious result begs further investigation. This study will examine Event Tickets Center’s clever, interesting, and often questionable approach.

THE ALLURING WORLD OF TICKET RESALES

Event Tickets Center, Inc. (ETCI), is a relatively small company based in Gainesville, Florida (Better Business Bureau, 2022b). Officially the company started in 1999, but their presence has grown in more recent years through the creative use of technology. Unfortunately, it is this creativeness that has led to literally hundreds of documented complaints.

Event Tickets Center’s fundamental business model is to provide an open and efficient marketplace for ticket scalping (Event Tickets Center, 2022a). While this line of business is itself dubious, scalping is legal in most states. There is no federal law against scalping (Porcello, 2018). Even in states where it is expressly illegal, it is rarely prosecuted, because generally both parties, the ticket seller and buyer, are participating in the transaction voluntarily. There are broad moral arguments to be made about the inequitable impact to society, but it is difficult to identify a specific victim, unless deception is involved (Sturman, 2020; Burkot, 2022).

Ticket scalping is simply reselling. ETCI serves a network of larger-scale scalpers, who prefer to be called resellers or brokers. These resellers purchase tickets directly from the primary source, which is usually either the producer of the event or a designated ticket-selling agent, like Ticket Master (CBC News, 2018a). The reseller thus becomes a dealer, holding tickets in their inventory for resale. They can still often be encountered outside event centers, waving tickets in the air. By this point, tickets may no longer be available from the primary source, so eager buyers willingly pay well above the face value of the tickets to acquire them (Fuller, 2022).

Things have changed, however, with the internet, and unfortunately the laws intended to protect buyers and greater society have not kept pace. For instance, many municipalities have placed restrictions on ticket scalping, such as by outlawing resale activities on the actual grounds of the event. So traditionally, potential customers would find the ticket scalper on the corner across the street from the event center. However, now that sales are facilitated on the internet, and tickets are often delivered digitally, such physical restrictions are less effective (Porcello, 2018). Even in Florida, where ETCI operates, a law was passed in 2021 to make ticket resales for profit illegal, but the new statutes carve out an exception for internet-based transactions (Fla. Stat. § 817.36, 2021).

Another example of laws trying to keep pace with this activity involves so-called ticket “bots.” In an attempt to control scalping, limits were being placed by various authorities on the number of tickets a single buyer could purchase. To circumvent these limits, scalpers were using automated ticket-buying software to conceal their identities. In some cases, they would use

multiple accounts and credit cards to purchase large amounts of tickets for resale. In 2016, Congress finally acted by passing the Better Online Ticket Sales (BOTS) Act. This law prohibited resales of tickets purchased using bot technology (BOTS Act, 2016). In January 2021, the Federal Trade Commission announced the first case under the BOTS Act. This ultimately led to three ticket resellers being fined tens of millions of dollars (FTC, 2021).

ETCI acts as a broker, not a dealer. Rather than purchasing and holding the tickets themselves, they are a listing agent, matching buyers and sellers. They provide customized landing pages for buyers and a professional and secure user interface for the dealers to facilitate the resale of the tickets. They use Search Engine Optimization (SEO) techniques to ensure their listings receive priority in internet searches, and then charge buyers service and delivery fees (Fuller, 2022).

MANIPULATION OF SEARCH ENGINE RESULTS

It is through paid search advertisements the first opportunity for deception, or at least a serious misunderstanding, occurs. Internet search engine providers, such as Google, earn a large proportion of their revenue by auctioning the rights to search terms. Clients who are willing to pay higher fees for their chosen search words and phrases are rewarded with a more prominent listing. Ticket resellers can use this tactic to place themselves above the primary ticket source for an event in search results, intercepting customers. This has become a well-known and ongoing problem in the industry (Sanchez, 2018; Blakkarly, 2021).

As an example, Figure 1 in the appendix shows an actual screen shot that resulted when the search phrase “DCI Championships 2022 tickets” was used. The first four search results are paid advertisements. Unfortunately, it is well documented many users of search engines don’t realize the top results in Google searches are advertisements. A 2016 study found only 50% of adults recognized this fact. The search results are labeled “Ad,” but it is apparently too subtle for many users (Ofcom, 2016). Customers looking for event tickets may falsely conclude the search results are organic, meaning they were generated because they are most relevant to the search terms used, not because they are paid advertisements (Google., n.d.-a).

All four of the top results shown in Figure 1 happen to be ticket resellers. The second is for ECTI. The fifth result, which is the highest unpaid search engine return, at the bottom of the page, is a link to the producer of the event, DCI. If a customer proceeded to that site, they could browse through the DCI-produced events. When they selected “Buy Tickets” on the DCI website, they would be directed to Ticket Master, the primary source and contracted ticket-selling agent. Ticket Master itself is part of the search returns. In this case, it appears as the seventh line item, well onto the second page of search results. A potential customer would have to scroll down to locate it.

None of the search returns expressly labels the advertisers as ticket resellers, giving consumers no way to differentiate. This is misleading, but they are not required to identify themselves as resellers in their advertising, at least not by Google. Responding to concerns about resellers’ practices on their platform, in 2018 Google instituted more rigorous guidelines for their behavior (Graff, 2018). These guidelines require resellers to “clearly disclose... You are a resale market and aren’t the primary provider of the tickets” (Google, n.d.-b, n.p.). However, this requirement only applies to the landing pages customers are directed to once they have selected the advertisement link, not to the advertisement itself.

The evidence is clear a large proportion of customers do not understand the sites they are finding through search results are resellers, not a primary ticket source. Even if they determine the sites are resellers, they incorrectly conclude this means no tickets are available from a primary source, since they believe the search results were organic (Yelp, n.d.; Better Business Bureau, 2022a). If the customer had simply scrolled down to find Ticket Master, they may have been able to purchase tickets directly, likely at a fraction of the cost. Their confusion is not happenstance, but an intentional tactic utilized by resellers to intercept uneducated customers, causing the Better Business Bureau to publicly issue warnings to consumers (Gray Television, 2022).

Notably, the top search return shown in Figure 1, a London-based company called Viagogo, was recently fined \$7 million in Australia for falsely representing itself as an “official” (Kluwer, 2022, para. 1) ticket seller. The judge ruling on the case highlighted the fact that even though Viagogo disclosed on its landing page the company was a reseller, by that point “the consumer had already been drawn into the marketing web” (para. 5).

MANIPULATION OF CUSTOMER REVIEWS

In ETCI’s paid search advertisement, the only information provided of any substance about the company itself is a 4.4-star rating from Google Reviews. As highlighted in Figure 2 in the appendix, this line of information shows a graphic with more than four stars, the text “Rating for eventticketscenter.com,” and a score of 4.4 with over 1000 reviews cited. Presumably, most potential customers would take this as a strong sign this is a legitimate company who has received praise from many previous, happy customers. The truth is not quite so straightforward.

The grey word “Rating” in the search ad is a link. If this link is selected, it goes to a web page with details of the reviews. A screen shot of this page is shown in the appendix as Figure 3.

Under the 4.4 star rating shown in Figure 3, there is an important note stating, “Based on customer reviews and data from Google and/or its partners” (Google, n.d.-c, para. 1). The reviews are all generically labeled, “A reviewer.” Furthermore, the ratings are noted as coming from “Sitejabber.” Out of the 1,024 reviews included in the 4.4 star rating shown, virtually all were posted from Sitejabber. Sitejabber, ResellerRatings, Shopper Approved, Trustpilot, and other similar companies provide a service that is essential to understanding how these ratings are generated. They help businesses manage their online reputation (Sitejabber., n.d.-a).

These companies, the “review partners” (Sitejabber. n.d.-a, n.p) referenced in Google’s note, provide a piece of integrated software that compels customers, during their checkout process and before their transaction is complete, to leave a review. The reviews are then fed directly into Google’s system. Sitejabber advertises their approach will “Increase your click-through rates by up to 20% and increase your conversions by up to 30%” (Sitejabber. n.d.-b, n.p). This is, in part, because “Businesses that proactively collect reviews from their customers on Sitejabber get over 95% positive reviews” (n.p.). The image on Sitejabber’s business solutions page looks nearly identical to Figure 1, highlighting the highly visible star ratings next to search results.

A more detailed analysis of the comments attached to ETCI’s ratings tells the story. There are complaints about things like excessive transaction fees, along with compliments about the professional organization and transactional ease of the website. However, there are also complaints from customers about the review itself (Google, n.d.-c).

In the bottom review shown in Figure 3, the customer states, “Havent [sic] received my tickets yet but so far my experience is ok” (Google, n.d.-c, para. 6). Another customer stated, “Having to do this before getting the tickets is annoying,” while a third commented, “why do I [sic] have to do 50 characters?” ETCI was apparently not only forcing its customers to complete a review, but also insisting it be at least 50 characters in length. As a result, many of the reviews simply consist of a string of meaningless characters.

The ETCI reviews submitted through Sitejabber’s application represent the customer’s opinion of the company’s website. At this point in the transaction, this is all the customer is capable of reviewing. The tickets have not even been delivered. Many of the complaints about ETCI regard steps that occur after payment. Review sites that do not have this bias show much less favorable results. For example, ETCI’s rating on Yelp, where customers can submit reviews spontaneously, is 1.5 stars out of five (Yelp, n.d.).

The legality of this practice, much less its ethicality, is questionable. Creating fake reviews is clearly illegal. However, ETCI’s approach is more akin to what is known as review gating. Review gating entails practices that solicit positive reviews while discouraging negative reviews, effectively tipping the scales in a favorable direction. For example, companies have first asked customers if they have had a positive or negative experience. If they indicate a positive experience, they are directed to a public review site, such as Google ratings. If they say they had a negative experience, then they are invited to give their feedback privately (AmSpa, 2022; FTC, 2022).

Recently, the Federal Trade Commission has begun to crack down on this practice. Online fashion retailer Fashion Nova was fined \$4.2 million for review gating, and 10 “review management companies” (FTC, 2022, para. 5) were put on notice. Samuel Levine, Director of the FTC’s Bureau of Consumer Protection, stated, “Deceptive review practices cheat consumers, undercut honest businesses, and pollute online commerce” (para. 3). Meanwhile, Google updated its review policies to make it clear businesses were not allowed to “selectively solicit positive reviews from customers” (Google, n.d.-d, n.p) or to distort or omit “information that could have an undue impact on user decision making” (n.p.).

ETCI’s methods allow them to influence and control the ratings they receive. For instance, ETCI can turn the stream of reviews on or off at will. Reviewing the full database of Google reviews shows periods of time where multiple reviews were coming in per day, and then there are large gaps with no reviews for several months. Figure 4 in the appendix shows a five-month gap between successive reviews. Virtually none of the reviews are being initiated by the customer, but instead they are prompted by ETCI at will (Google, n.d.-c).

Leading potential customers to believe ratings represent a complete view of ETCI’s services may not meet Google’s standard of “omitting information that could have an undue impact on user decision making” (Google, n.d.-d, n.p). It may also fall short of the legal expectation, communicated by the FTC, to avoid actions that “deprive consumers of potentially useful information and artificially inflates the product’s average star rating” (FTC, 2022, para. 4). However, the reviews themselves are likely genuine. Most of them appear to come from real customers, who are actively transacting with the company they are rating.

Nevertheless, since the company is feeding reviews into the Google system directly, it is impossible to be certain of their veracity. For instance, the very first review posted from SiteJabber states, “This is just a test. Test test testy test. But only a test for amazing test service” (Google, n.d.-c, n.p.). This appears to be a test conducted by an employee of ETCI or Sitejabber.

The generated nature of this review and its high rating contrasts starkly with the more spontaneous review submitted by a customer immediately prior, as shown in Figure 4.

MANAGING PERCEPTIONS

Once a customer has selected the link to ETCI's site provided through their search results, as shown in Figure 1, the landing page they will be transferred to presents information on the events that match their search. See Figure 5 in the appendix for an example.

These landing pages are a key to ETCI's business model. Their approach has been likened to that of a manufacturing business. The product ETCI manufactures are customized web pages for thousands of ticketed events. The company capitalizes on their access to user data to analyze which "combinations of words, colors, images, and user characteristics generate the best sell through" (Fuller, 2022, para. 5). Their analysis allows them to target search advertisements and develop landing pages that appeal to motivated fans on a large scale.

The design of this page has several important elements. At the top, immediately below the search bar, is the statement "As a resale marketplace, prices may be above face value" (Event Tickets Center, 2022b, n.p.). This statement on the landing page is a requirement of both Google Ad policy and Florida state law (Google, n.d.-d; Fla. Stat. § 817.36, 2021). It is debatable, however, whether the font size and color are prominent enough for customers to notice it. Based on customer complaints, it is apparent many don't understand what a "resale marketplace" is, and others are missing the warning entirely (Better Business Bureau, 2022a). The primary judge in the case that cost Viagogo \$7 million stated, "the disclosures referring to 'ticket marketplace' or 'online ticket exchange' were unlikely to be read by many consumers, because they were in small print and faint font" (Kluwer, 2022, para. 6).

It is notable what is missing from this landing page. Virtually all of the information, even the small, faint paragraph at the bottom, is about the advertised events. There is no information about the company itself. There are no prices shown or any information about the availability of tickets. To find that information, the customer must select one of the "Shop Tickets" buttons. This would result in a page like the one shown in Figure 6 in the appendix. On this web page, the customer can see which seating sections are available at the event. This is supported by a slick graphical interface that shows an image of the event center. If the customer hovers their mouse over a section, they can see an image of what the view would be like from that vantage point. This very useful and user-friendly interface is the subject of many of the positive comments and reviews submitted by customers. It is an integrated application provided to a number of ticket sellers by Seatics, a firm that licenses interactive map functionality for websites (Seatics, n.d.). It is almost identical to the interface used by Ticket Master.

At this point in the transaction, ETCI has a potential customer fully engaged. It is important for them to create an air of legitimacy and even a sense of urgency to encourage the customer to make a purchase. As a result of persistent complaints by consumers and also the lawsuits against Viagogo, ETCI is not allowed to use words like "official" (Google, n.d.-d, n.p.). In fact, this word has been specifically outlawed by Google's policies. However, this hasn't stopped ETCI from taking other steps to attempt to create a perception of trustworthiness. In the upper right-hand corner of the screen shown in Figure 6, there is a short set of bullet points. This section of the page is highlighted in Figure 7 in the appendix.

The header to this section, in a larger, bold, colored font, states, "100% Worry-Free Guarantee." There are no caveats to this statement provided, including no indication of what,

exactly, is being guaranteed. Nowhere on this page does it give any details regarding the company's policies for cancellation, refunds, or satisfaction. Instead, there is a repeat of the warning the company is a resale marketplace and prices may be high, followed by some unrelated information.

The generic assertion of "guarantee" is of course designed to ease potential customer concerns. It would be reasonable for a customer to assume their satisfaction is guaranteed. The fact ETCI has a no-return policy after purchase, regardless of customer satisfaction, is nowhere to be seen on this page. According to the FTC's enforcement policies, even if the bullet points below the header gave accurate information about the boundaries of this guarantee, it may not be enough, as "accurate information in the text may not remedy a false headline because reasonable consumers may glance only at the headline" (Federal Trade Commission, 1983, n.p.).

Another prominent feature on this web page is the list of prices down the left-hand side. This can be seen more clearly in Figure 8 in the appendix. It is important to note these are not the full prices the customer will pay. It reflects only the cost of the tickets and does not include any of the fees ETCI charges for their services. These fees often exceed 50% of the ticket cost. In the top example shown, the \$78 tickets cost \$116.47 each after service, delivery, and insurance fees.

One of the most common complaints by customers has been the "surprise" (Better Business Bureau, 2022a, n.p.) fees charged by ETCI. Failing to disclose the whole price until late in the transaction process, even though it was ascertainable, was cited by the court as one of Viagogo's primary failures in their lawsuit (Kluwer, 2022).

The problem of hidden fees confusing and misleading consumers is not unique to the ticket resales industry. In 2012, the Department of Transportation enacted rules that forced airlines to ensure advertised fares included all fees and taxes. They argued, particularly with increased comparison shopping on the internet, this was necessary to ensure customers could make informed decisions (Jansen, 2012). Low-cost airlines were advertising fares as low as \$49, but then mandatory fees would raise prices as much as 100%, creating "legalized bait-and-switch advertising" (Elliott, 2014, para. 8) or what the FTC refers to as "drip pricing" (para. 12). Despite legislative and judiciary challenges, this rule stands today. In fact, it has been suggested the rule be expanded to include car rentals and hotels.

In case the customer does have concerns about this transaction, ETCI has taken several additional steps on this page to affirm legitimacy and safety. This is not seen on the main seat-selection page (Figure 6), but if the customer happened to scroll down, they would encounter a series of images and links, with faint grey font, shown in the appendix as Figure 9.

The logos shown include TrustedSite, which is a paid service that reviews and then certifies the information security of the website itself (TrustedSite, n.d.). Paypal is a payment service provider. The social media logos in the upper right-hand corner link to ETCI's profiles on those services. Sitejabber, Trustpilot, and Shopper Approved, as mentioned previously, are review-boosting services ETCI has used to manage its online search rating.

None of these companies are vouching for the trustworthiness or quality of ETCI's services. Most customers would have no idea that is not the case. Displaying these logos simply means those companies have a relationship with ETCI, such as by being a paid vendor. For instance, note the reassuring appearance of Shopper Approved's image in Figure 9. This seal is customizable and is marketed as a means to increase credibility (Shopper Approved, n.d). It implies some kind of review and approval process, but Shopper Approved is an online reputation manager, not a ratings agency.

The one possible exception is the Better Business Bureau, whose logo is featured prominently. The Better Business Bureau (BBB) does, in fact, evaluate and accredit companies, publish ratings, and collect independent reviews. It is likely most potential customers would take this logo at face value and be reassured ETCI is, in fact, currently BBB-accredited. However, if the customer were to click the BBB logo, they would learn more.

Clicking the logo takes the customer to ETCI's Better Business Bureau profile page. The most obvious item that comes to the forefront on this profile is ETCI's 1.14 out of five rating, based on 185 customer reviews. A score of one is the lowest BBB allows, so this is a very consistent result from the reviewers. Take note unlike with the reviews displayed in a Google search, these customers have actually finished their transaction with ETCI before they created their reviews, and the reviews are generated organically. The Better Business Bureau evaluates these reviews to help ensure their veracity before they are posted publicly (Better Business Bureau, n.d.).

Further investigation shows while ETCI has been in business for over 20 years, they have only been accredited by the Better Business Bureau since December 2021. They hold a modest rating of B, which is based on an assessment of several factors, including not only complaint history, but also the time the company has been in business and its conduct regarding BBB's requests. In the Better Business Bureau's defense, they have issued multiple public warnings about dealing with companies like ETCI. They recommend only buying tickets from registered members of the National Association of Ticket Brokers (KSNB, 2022). ETCI is not a member of NATB (NATB, n.d.).

At the time of this writing, BBB listed 189 complaints against ETCI. A cursory review of these claims reveals familiar themes: complaints about overpriced tickets, excessive service fees, poor transparency of fees, lack of understanding the company is a reseller, feelings of being deceived, resentment the company doesn't live up to its proclaimed guarantees, etc. The vast majority of these complaints are listed as "answered" but not "resolved" (Better Business Bureau, 2022a). The anger in these complaints is palpable, with customers threatening everything from lawsuits to criminal complaints.

At the bottom of the seat selection page, shown in Figure 9, there are also a number of light grey links, where the customer can get more information. The FTC has stated, "Written disclosures or fine print may be insufficient to correct a misleading representation" (Federal Trade Commission, 1983, n.p.). In the case against Viagogo, the court stated, "information was under a bland heading 'General Notes', accessible only by clicking on a drop-down menu, in 'fine print buried in the final bullet point' — it was unlikely to have been seen by the ordinary user" (Kluwer, 2022, para. 7). Nevertheless, if the customer did happen to select the link labeled "About Us," they would be taken to the page shown in Figure 10 in the appendix.

This page mentions reselling twice. The first instance is in the standard tag line at the top of the screen beneath the search bar. The second is buried in the story about the company's founding (which does not match the details listed by the Better Business Bureau). Far more prominent, however, are statements like "We've got your back," where the company again mentions the "100% Guarantee," without any details or caveats as to what exactly they are guaranteeing.

If the customer did want more information about the suppositional guarantee, they could select the "100% Guarantee" link at the bottom of the seat selection page (Figure 9). This would result in the page shown in Figure 11 in the appendix.

The most obvious features on this page are the “100% Guarantee” logo and the bold heading “Your purchase is protected.” The three bullet points give accurate and important information for customers. What ETICI is guaranteeing is the customer will receive the tickets they ordered, before the event takes place, or their money will be refunded.

However, it should be noted what is not guaranteed. The customer is not guaranteed satisfaction with their purchase. If they are unhappy after the financial transaction is completed, even before they have received their tickets, for whatever reason, this guarantee does not apply. Statements like “100% Worry-Free Guarantee” (see Figure 7) and “We’ve got your back” (see Figure 10) imply a promise of satisfaction and an all-encompassing safety net. The reality, however, is extremely limited.

For example, ETICI does not guarantee the tickets being sold are actually available. In many instances, ETICI’s sellers are listing tickets they do not have. These tickets are listed under nondescript labels like “Zone Tickets” (Event Tickets Center, 2022c, para. 10). The underlying seller is promising to acquire the tickets before the event takes place. However, if they fail to do so, there are no apparent repercussions. The FTC specifically warned against this practice in a letter to ticket resellers in 2010 (Federal Trade Commission, 2010). A lawsuit filed by the New York Attorney General against TicketNetwork, a competitor to ETICI, noted these so-called “speculative tickets” (James, 2019, para. 5) are often listed alongside tickets that are in possession, with little differentiation. TicketNetwork was fined \$1.55 million. An example can be seen in ETICI’s listing in Figure 8.

In multiple documented cases, a fan, relying on ETICI’s promise to deliver the tickets, traveled long distances to attend their event, only to discover they could not gain entry. ETICI helpfully offered a refund. As one customer stated, “I did not want a refund, I wanted to be in the concert with my wife... They also do not refund wasted travel costs, only the ticket... give your money to the guy on the corner with a cardboard sign that says he has two. He is probably more professional” (Yelp, n.d., n.p).

Based on the hundreds of documented complaints, it is clear customers do not understand the limitations of this lauded “100% Guarantee.” Incidentally, as note #2 at the bottom of the page shown in Figure 11 in the appendix makes clear, even under the very limited circumstances where the guarantee applies, the customer will still not be refunded 100% of their money. ETICI currently charges a \$9.95 delivery fee, even when the tickets are transferred electronically. In the previous example given, the refund would have been about 92%.

SETTING THE HOOK

Once a customer has selected the tickets they wish to procure, they are directed to a screen shown in the appendix as Figure 12. The customer is asked to provide their e-mail address for electronic delivery of the tickets. Conspicuously absent is the standard header indicating ETICI is a reseller. The price shown is still for the tickets only, even at this late point in the process. No fees are shown until the customer has entered their information and selected the large “Proceed to Payment” button.

Another conspicuous feature of this transaction page is a countdown clock that is now running in bold red. This timer has been a source of customer complaints about ETICI (Better Business Bureau, 2022a). The use of a timer is a form of scarcity marketing, manufacturing a sense of urgency to provoke customers into action (Keenan, 2022). If the impression created is authentic, it is an ethical and legal practice (Wolny, 2021).

In the United Kingdom, countdown timers have been the subject of significant regulatory action, including several suits brought by government bodies (ASA, n.d.). Strict legal guidelines have been established, including to “take particular care where using the word ‘hurry’” (Bradley, 2020, para. 17) that “reinforces the impression that a promotion is time-limited” (para. 17). However, in these cases the timers were clearly unnecessary. It is uncertain whether it is strictly necessary in ETCI’s case, but since these are listings from the underlying ticket holders, it is understandable the tickets cannot be held indefinitely. An example image of ETCI’s countdown timer can be found in Figure 13 in the appendix, where the bold red “HURRY!” can be seen.

Once the customer has entered their e-mail address for digital ticket delivery, the payment section of the web page expands, allowing for payment information to be entered. Figure 14 in the appendix shows the expanded, bottom portion of this checkout page. Note the countdown timer still shows in the upper right-hand corner of the screen. In fact, it is overlaid and follows the customer’s view as they scroll up or down, pressing the sense of urgency. The price of the tickets, without any additional fees, is still shown conspicuously in this floating box.

However, this page, for the first time, and only after the customer’s payment information has been provided, also shows the price of the tickets, including fees, in two places. This is a direct example of a problem highlighted by the Government Accountability Office’s (2018) report on consumer protection issues in the industry. In their review, the GAO noted several websites who “lacked transparency” (p. 23), including three companies who “displayed fee information only after the credit card number or other payment information was submitted” (p. 23).

In this example, with added fees, the total cost is \$136 higher than just the price of the tickets alone. As the customer may discover later, the ticket prices may themselves be 3 or 4 times the price from a primary source. In fact, in this specific example, the total price of available tickets in the same row and section, including all fees, was \$127 from Ticket Master, less than one-quarter of the total price from ETCI. This sort of markup is why, after the Viagogo lawsuit, all ticket resale sites in Australia are now required to disclose the original price of the tickets (Kluwer, 2022).

At this point in the transaction, the customer can now “Add Ticket Protection” by selecting “Yes, protect my ticket purchase”. As can be seen in Figure 14, this option is marked with a green flag “Highly Recommended.” The bullet points below this option state, in bold, the customer would “Get reimbursed 100%” of their ticket cost. However, in a lighter font, it goes on to say, “if you can’t attend the event.”

It is important to note this is the full extent of the coverage. A claim can only be filed with this third-party insurance company, Allianz, if uncontrollable circumstances prevent the customer from attending the event (TicketMaster, n.d. a). Based on numerous customer complaints, supplying this insurance option is only further misleading customers into having false confidence in their purchase (Yelp, n.d.; Better Business Bureau, 2022a). There is no recourse if the customer is dissatisfied with their purchase. In fact, the insurance cost is also non-refundable.

If the insurance option is added, the floating timer box updates to reflect the cost of the insurance, as shown in Figure 13. It is noteworthy this box never shows the full price of the tickets, which in this case is \$550.29. In fact, this price is never shown on the screen. However, the total price, without the cost of insurance, is shown in two places. The first is in the note rejecting the insurance option. The second is in one of the lines directly above the large “Place Order” button. This can be seen more clearly in the appendix as Figure 15.

In Figure 15 the words “We are a resale marketplace” can be seen in light grey font. In this real example, the font size was 6 points on a full-page screen. For comparison, the countdown timer was in 12-point font. The cost without insurance, \$518.01, is shown, followed by a final line stating a customer who clicks the “Place Order” button is agreeing to ETCI’s terms and conditions. When ETCI has been forced to defend itself against complaints, it has repeatedly emphasized the full price is shown before checkout and this order page indicates “All sales are final” (Yelp, n.d.; Better Business Bureau, 2022a). As can be seen above, that is mostly correct.

There are two issues, however. The first is the full price isn’t shown if the customer has selected the insurance option. This total figure isn’t shown anywhere on the checkout page and can only be determined by the customer if they happen to find the price notes in light grey and then do the math themselves. Fees aren’t shown in the much larger, bold, black font in the floating timer box (Figure 13), and the small, light grey font above the “Place Order” button doesn’t include insurance. Perhaps this is an error. Regardless, it may partly account for why customers keep reporting they feel surprised by their final charges (Yelp, n.d.; Better Business Bureau, 2022a).

The second issue is simply the fact while the charges are shown, they are obscured. It is interesting to compare the difference between the approach used for the “Place Order” button and the tiny notes above it. Using a tiny, faint font against a white background is a poor choice if clarity was desired. The FTC notes, “Qualifying disclosures must be legible and understandable” (Federal Trade Commission, 1983, p. 4). In the recent case against Viagogo, the court highlighted the fact fees weren’t revealed until “very late in the booking process” (Kluwer, 2022, para. 7) and could only be found in the “fine print buried in the final bullet point” (para. 7). Nevertheless, despite numerous complaints from customers (Better Business Bureau, 2022a), ETCI has not corrected the problem.

OTHER ISSUES

There are a couple of other issues with ETCI’s practices that merit discussion. It was previously noted ETCI is acting as a professional front for the underlying ticket holders. The company’s FAQ list refers to these sellers as “registered companies and trusted individuals” (Event Tickets Center, 2022a, n.p.). This is the only information publicly posted about these sellers. ETCI does not publish any information regarding how these sellers are evaluated.

Ticket scalping has long been associated with serious criminal activity, such as money laundering (Rosenberg & Toback, 2014), tax evasion, fraud, and drug dealing (Rabe, 1991). Customers have no way of knowing whether they are supporting illicit activities, as the seller’s identity is shielded throughout the process. ETCI seems to prioritize the openness of their “resale marketplace.” In fact, one of their most common responses to customers who complain is to invite that customer to resell their tickets on their site (Better Business Bureau, 2022a). This doesn’t imply a robust vetting process for sellers.

Another issue that has arisen in complaints about ETCI is their approach to handling financial transactions. The screens shown above are all for a debit or credit card transaction. When a customer selects the large blue “Place Order” button, the payment is almost immediately initiated through the customer’s payment processor (Better Business Bureau, 2022a). For a typical debit card purchase against a checking account, the payment will be marked as “pending” for anywhere from one to three business days. The funds have been approved by the bank, but

the money has not moved, and the purchased tickets have not been delivered. During this time, the transaction cannot be blocked by the customer (Cahill, 2022).

However, during this period, the originator of the charges, ETCI, can readily stop the transaction from proceeding (Cahill, 2022). Customers have protested that even when they have corresponded with ETCI within hours of their order, ETCI dismisses their pleas and simply reiterates its no-refund policy (Yelp, n.d.; Better Business Bureau, 2022a). This is a choice ETCI has made, not something they are required to do. While continuing to advertise “We’ve got your back,” (Event Tickets Center, 2022d, para. 2) they have decided it is better to take unhappy customers’ money and force them to fight to get it returned, rather than simply pausing the transaction so their customer’s concerns can be addressed.

It is noteworthy ETCI has a legal relationship with TicketNetwork, Inc., another ticket reseller and software provider based out of Connecticut (TicketNetwork, 2021). Both ETCI and TicketNetwork are private corporations, so limited information about their ownership structure is available. TicketNetwork operates several affiliated ticket-reselling sites, including Ticket Galaxy, TicketLiquidator.com, TicketsPlus.com, and private label sites (NY Attorney General, 2019; Sisario, 2009). Neither ETCI nor TicketNetwork have released any public information about the nature of their relationship.

Unlike ETCI, TicketNetwork is not accredited by the Better Business Bureau and holds a rating of “D” (Better Business Bureau, 2022c, n.p.). When this article was written, there were 335 complaints registered on the Better Business Bureau site alone. TicketNetwork has been the target of a number of lawsuits, including a class-action suit in Canada that forced them to offer refunds for hidden fees added on late in the purchase process (LPC Avocat, 2021). The company’s CEO even testified to Congress on issues with the ticket industry (In the Dark, 2020).

WHY ETCI?

Event Tickets Center’s approach may seem counterproductive. Normally, sellers in a highly competitive market would have to offer products at low prices and consistently satisfy their customers to earn repeat business. Yet even though the exact same tickets are often sold on other websites (brokers commonly list their inventory on multiple competing sites), ETCI has fielded unrelenting complaints about high prices, excessive fees, and poor service. The company appears to be content with simply managing these complaints, without addressing their causes, while they persist over many years (Yelp, n.d.; Better Business Bureau, 2022a).

The key to understanding ETCI’s behavior is to recognize they are not competing on price or even customer satisfaction. They are competing based on availability. The economics and psychology of ticket buying are atypical. While there are many sites selling the same tickets, the tickets themselves are a scarce commodity. Some tickets are superior to others, and each is individually different. When event producers price tickets below their market value, it creates arbitrage opportunities. Educated, determined, and skilled buyers can scoop up tickets for low prices and then resell them to less educated, determined, and skilled buyers, whose passion for the event they are pursuing may border on fanatical (Fuller, 2022; Seglins et al., 2018).

In this often-irrational market, ETCI wins by first convincing ticket resellers to list their inventory on their website. It is notable TicketMaster, the largest primary ticketing agent in the world, also resells tickets (CBC News, 2018a). In fact, completing a transaction with ETCI often involves simply transferring tickets from one account to another on TicketMaster (Better Business Bureau, 2022a). If a reseller is holding their tickets in a TicketMaster account, and

TicketMaster allows tickets to be resold on their site, which has by far the largest consumer audience, it may seem curious brokers are choosing to list their inventory with ETCI instead.

One reason may be the fact ETCI has less constraints on reselling activities than TicketMaster. Their service is a more scalper-friendly home. In 2018, the Canadian Broadcasting Corporation (CBC) completed an exposé on ticket reselling, complete with undercover video at the industry's "Ticket Summit" annual conference. This investigation received wide critical acclaim and public attention (Seglins, Houlihan, & Clementson, 2018). It also forced TicketMaster to respond. The company publicly declared they would "be putting additional measures in place to proactively monitor for this type of inappropriate activity" (CBC News, 2018b).

Since that time, TicketMaster has implemented numerous restrictions on reselling activity, such as by better policing resale accounts, conducting more extensive background checks, and blocking ticket bots. Some event producers have begun stipulating TicketMaster, as the primary ticket agent, isn't allowed to list their tickets for resale on the site (TicketMaster, n.d. b). However, tickets that can't be sold on Ticketmaster can still be sold on other reseller sites, and then transferred from seller to buyer through Ticketmaster (StubHub, 2022). This is an easy workaround that would appeal to ETCI's sellers. In the undercover video produced by CBC News, ETCI can be clearly seen at the conference alongside TicketMaster, where they were actively recruiting resellers (CBC News, 2018a).

By catering to ticket resellers, ETCI gains availability of a scarce commodity. Then it is a matter of positioning. As previously described, this is accomplished through careful selection of search terms, outbidding other resellers, and creating a perception of legitimacy. Once a ticket buyer is on the hook, ETCI's tactics draw them into a transaction and urge them to buy swiftly before they can comparison shop or research the company. Buyers, elated they have found their coveted tickets and fearing they may lose the opportunity, make an irreversible commitment they may later come to regret. They might feel deceived and abused, but ETCI's priority customer, the reseller, is satisfied (Seglins et al., 2018; HBO, 2022).

AN OPPORTUNITY FOR INTEGRITY AS A COMPETITIVE ADVANTAGE

Many of the solutions to the problems plaguing ETCI seem blindingly obvious. For instance, they could list the seller's name on their ticket selection page (see Figure 6). This would make it abundantly clear to ticket buyers they are a reseller site. Listing the seller's name is required by law in the UK (HBO, 2022). ETCI could also show projected fees early in the process, rather than surprising customers at the end, and use a reasonable size font. This was suggested by TicketNetwork's CEO during his testimony to Congress (In the Dark, 2020). ETCI could just stop compelling customers to leave reviews before their transaction is complete, and instead encourage customers to complete a review after they have received their tickets. Yet the actions ETCI continues to take appear to violate Google's policies, and others are at least of questionable legality. Collectively, ETCI's actions seem to communicate contempt for their end customers. The fact their issues could be fixed with a few simple steps is perhaps the best single indicator of the company's priorities. A business whose objective is to act with integrity, or simply to marginally satisfy its customers, wouldn't allow processes that generate such animosity against it to persist. The company's behavior could be written off as mistakes and bad practices, but not if it continues unabated for years.

This also means there is an opportunity for competitive differentiation and advantage. ETCI is merely one specific example. Their practices are, unfortunately, not that uncommon in this industry. It was already mentioned Viagogo was fined for deceiving customers (Kluwer, 2022). Tickets-center.com has a rating of “F” by the Better Business Bureau and an average customer review of 1.6 out of five (Better Business Bureau, 2022d). Vivid Seats has an even lower rating and over 4000 complaints on record (Better Business Bureau, 2022e). After settling multiple million-dollar lawsuits around the globe, TicketNetwork’s parent company rebranded itself (Brooks, 2019). The company’s employees complain about tactics that make them feel “mildly embarrassed” (Indeed, 2017, para. 5). Stubhub, which merged with Viagogo in 2020, recently agreed to a \$20 million settlement resulting from its practice of displaying fees only at the end of the ticket-buying process, exactly as ETCI continues to do (Class Actions Reporter, 2022).

The dubious nature of this industry and the bad behavior of many of its participants presents an opportunity for the right company to distinguish itself. There is value in this service, and a need for a place customers can go and feel reasonably confident they will be treated with respect and care. There is abundant evidence, particularly over long periods of time, integrity can serve as a powerful competitive advantage (Gostick & Telford, 2003). It is only a matter of time before some aspiring business leader capitalizes on this opportunity.



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APPENDIX

Figure 1
Google search results retrieved July 2022

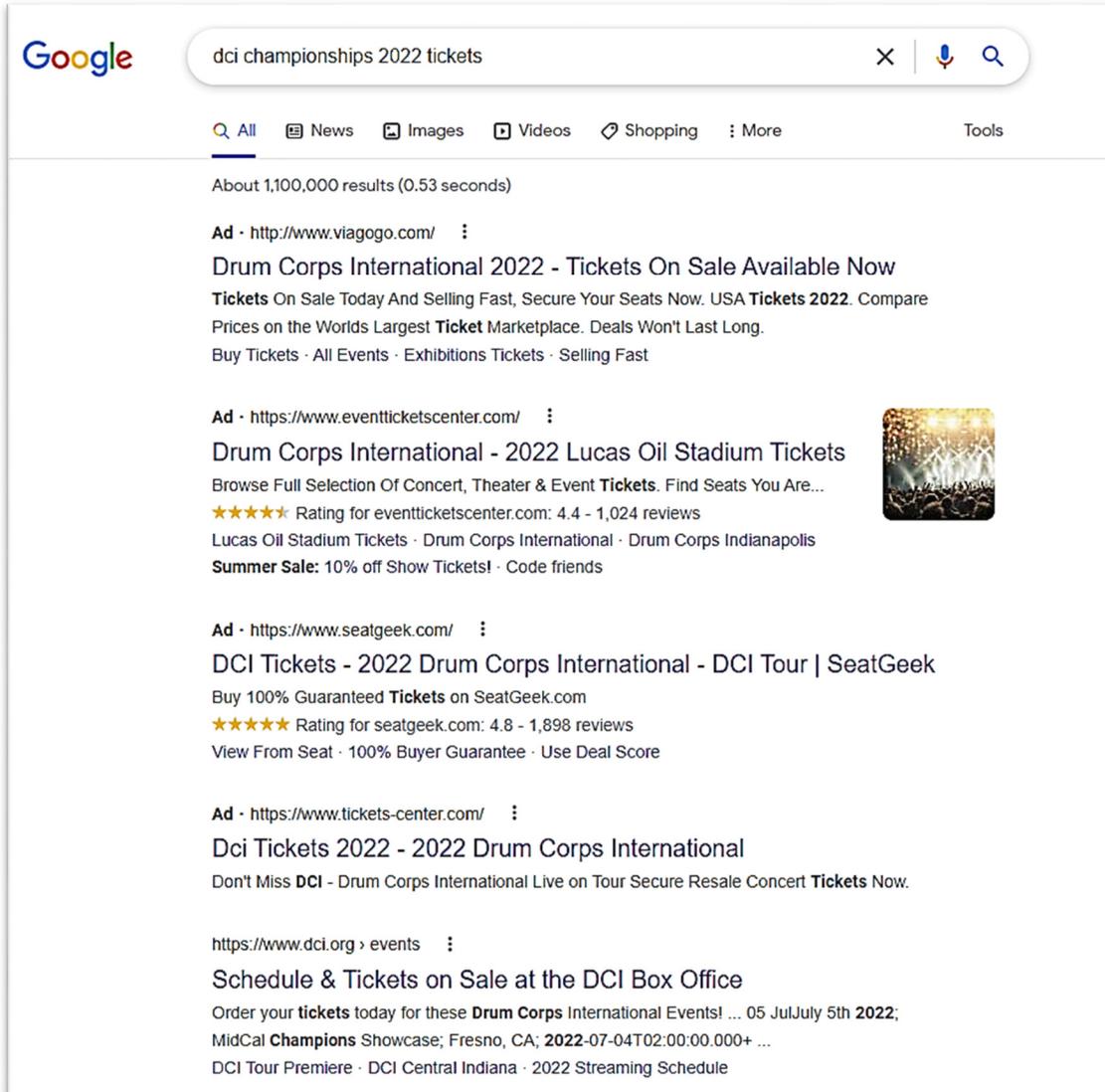


Figure 2
Close-up of ETCI’s Google search ad

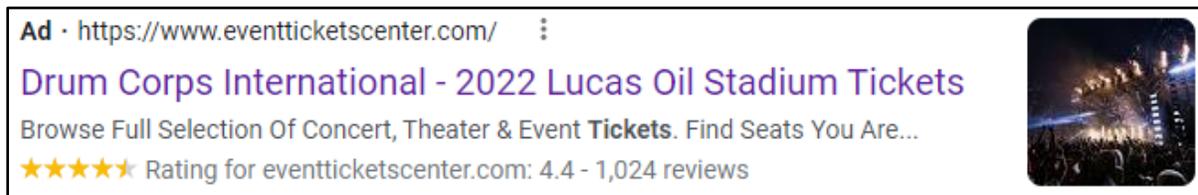


Figure 3
Google reviews on ETCI retrieved July 2022

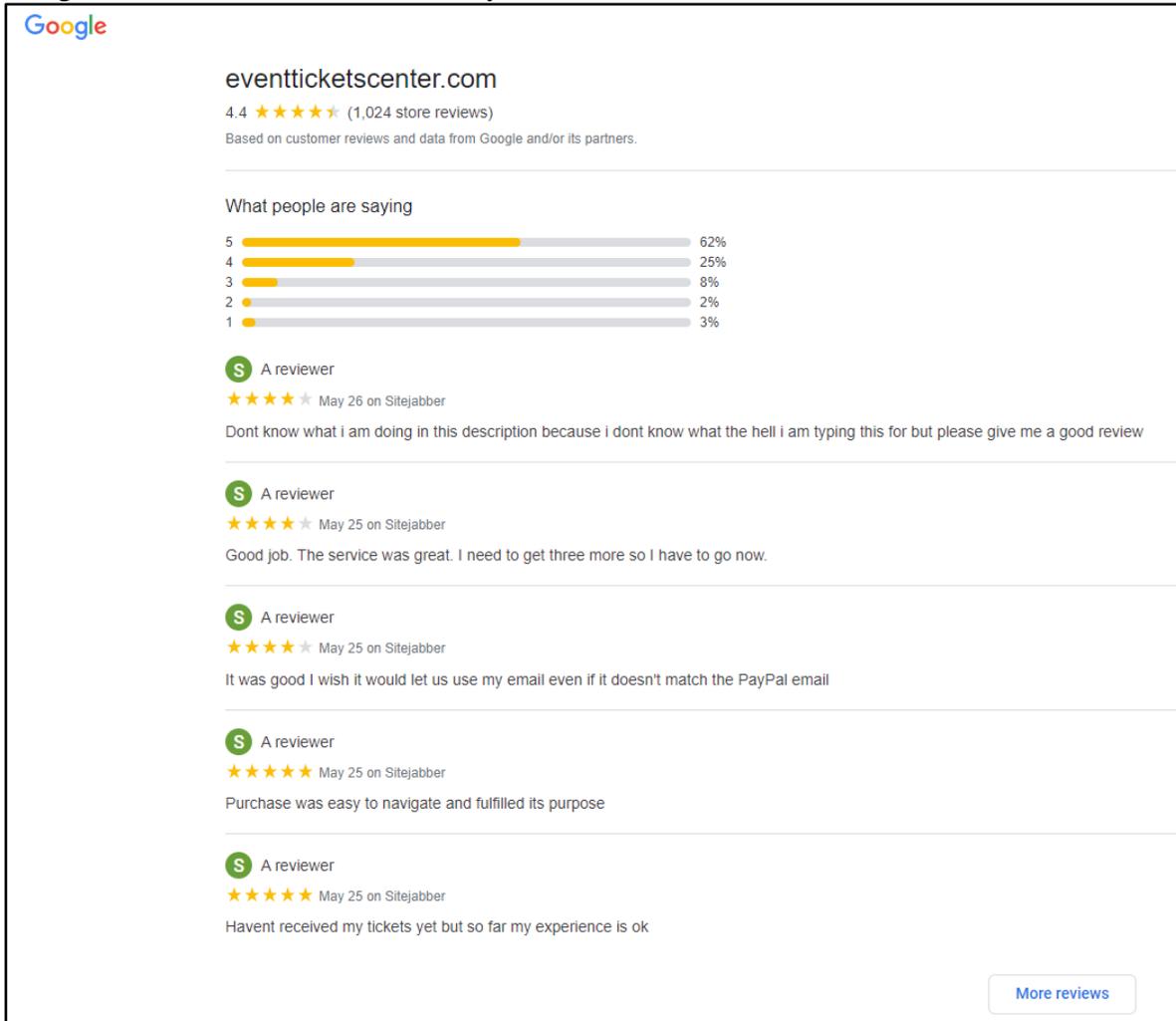


Figure 4
Google reviews on ETCI retrieved July 2022

S A reviewer
★★★★★ Feb 15 on Sitejabber
This is just a test. Test test testy test. But only a test for amazing test service

R A reviewer
★★★★★ Aug 12, 2021 on ResellerRatings.com
Concert I bought tickets for in Denver has been "postponed indefinitely" per Event Tickets Center. I bought the tickets 17 months ago. The same artist is playing at a different venue in Denver this weekend. All other ticket agencies have refunded everyone for the first venue but Event Tickets Center. They are even making money on selling tickets to the new venue but refuse to refund me my money. I have spent over 5 hours on the phone with this company multiple times only to get the same response. I will never buy tickets from this company again. I would suggest you stay away from them as well.

Figure 5
ETCI landing page for an event

Event Tickets Center! Search

As a resale marketplace, prices may be above face value

Thu Aug 11, 2022 10:30 AM **DCI: Drum Corps International Finals**
Lucas Oil Stadium – Indianapolis, IN

100% Worry-Free Guarantee

- We are a resale marketplace, not the ticket seller
- Prices are set by third-party sellers and may be above or below face value.
- Your seats are together unless otherwise noted.
- All prices are in USD.

Tickets Parking Passes

Terrace Sideline 643 Row 2 1-8 or 10 Tickets Important: Zone Seating	\$78/ea
Field Corner 148 Row 20 1-8 Tickets	\$83/ea
Field Corner 231 Row 5 1-4 Tickets	\$83/ea
Field Corner 232 Row 8 1-4 Tickets	\$83/ea
Field Corner 232 Row 6 1-8 Tickets	\$83/ea
Field Corner 233 Row 6 1-8 Tickets	\$83/ea

Performance Area

Figure 6
ETCI seat selection page

Event Tickets Center!

As a resale marketplace, prices may be above face value

Home > Concerts > Misc Tickets > Drum Corps International > DCI: Drum Corp International Indianapolis, IN Lucas Oil Stadium

DCI: Drum Corps International Indianapolis, IN– Lucas Oil Stadium

Thu Aug 11, 2022 10:30 AM	DCI: Drum Corps International Prelims Lucas Oil Stadium– Indianapolis, IN	SHOP TICKETS
Fri Aug 12, 2022 2:00 PM	DCI: Drum Corps International SemiFinals Lucas Oil Stadium– Indianapolis, IN	SHOP TICKETS
Sat Aug 13, 2022 4:50 PM	DCI: Drum Corps International Finals Lucas Oil Stadium– Indianapolis, IN	SHOP TICKETS

DCI: Drum Corps International Tour Dates

Sat Jul 23, 2022 1:15 PM	DCI: Drum Corps International Alamodrome – San Antonio, TX	SHOP TICKETS
Fri Jul 29, 2022 6:00 PM	DCI: Drum Corps International Floyd Stadium Murfreesboro, TN	SHOP TICKETS
Thu Aug 11, 2022 10:30 AM	DCI: Drum Corps International Prelims Lucas Oil Stadium– Indianapolis, IN	SHOP TICKETS
Fri Aug 12, 2022 2:00 PM	DCI: Drum Corps International SemiFinals Lucas Oil Stadium– Indianapolis, IN	SHOP TICKETS
Sat Aug 13, 2022 4:50 PM	DCI: Drum Corps International Finals Lucas Oil Stadium– Indianapolis, IN	SHOP TICKETS

DCI: Drum Corps International is appearing in Indianapolis at Lucas Oil Stadium. Browse all events occurring in Indianapolis IN or look at upcoming DCI: Drum Corps International dates. Use our special interactive seating charts and venue maps to see what is available and to get great seats to see DCI: Drum Corps International. Also available is a full list of upcoming Lucas Oil Stadium events. Buy DCI: Drum Corps International tickets today and get ready for an unforgettable experience!

Figure 7
“Guarantee” inset of seat selection page

100% Worry-Free Guarantee

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Figure 8
Pricing inset of seat selection page

Tickets Parking Passes

Terrace Sideline 643 Row 2 1-8 or 10 Tickets Important: Zone Seating	\$78/ea
Field Corner 148 Row 20 1-8 Tickets	\$83/ea

Figure 9
Bottom of seat selection page

SHOPPER APPROVED
Event Tickets Center

TrustedSite
CERTIFIED SECURE

PayPal

Twitter **Facebook** **YouTube** **Instagram**

BBB ACCREDITED BUSINESS
Click for Profile

sitejabber
REVIEWED

Trustpilot 11.6K reviews

JBCA

HELP
Customer Support
FAQ
Coronavirus Update
Terms & Conditions
Privacy Policy
Do Not Release My Information
Accessibility

COMPANY
About Us
100% Guarantee
Seating Charts
Blog
Careers

Figure 10
ETCI's "About Us" web page

Event Tickets Center!

Search

As a resale marketplace, prices may be above face value

Experience is Everything

Keeping it simple

At Events Ticket Center, we believe buying tickets should be simple, so we streamlined the online buying process by creating a user-friendly platform to browse millions of tickets to thousands of national and local events. Find concert tickets, sports tickets, theater tickets, and more by a variety of categories like genre, team, or location, and make sure you score the best seats in the house with our interactive seating charts.

We've got your back

We use industry-standard technology to keep your information secure, and all purchases are backed by our 100% Guarantee, so you can shop with peace of mind, too.

Established 2005

Event Tickets Center's story starts in 2005 with a \$100 investment and a vision to revolutionize practices in the world of digital marketing. Advanced technology and sophisticated marketing efforts gave us an edge to compete in a highly-competitive market. It's an edge that has facilitated our development into one of the largest ticket resale marketplaces in the nation.

Learn more

Questions? Check out our FAQ page or Contact Us for assistance. From sports fanatics to music lovers and theater enthusiasts, Event Tickets Center connects nationwide audiences with the tickets they need to create memories that will last a lifetime.

Figure 11
ETCI's "100% Guarantee" web page

Event Tickets Center!

Search

As a resale marketplace, prices may be above face value

Your purchase is protected

You will receive a 100% refund for your tickets if:

- Your order was accepted by the seller by not delivered
- Your order was accepted but not delivered in time for the event
- Your tickets were not valued for entry (1)

Or your money back. You will also be reimbursed if your event is canceled and not rescheduled.

ETC is proud to provide customers with the tickets they need to create memories that last a lifetime. Our support team is readily available should you need us.

Notes:

- Proof must be provided in letter form from the event venue. Written or stamped "voids" do not constitute verified proof.
- 100% refund for a canceled event does not include shipping.

Shop for tickets on EventTicketsCenter.com with the comfort of knowing that your purchase is covered by our 100% guarantee. Read reviews from [previous satisfied customers](#).

Figure 12
ETCI's ticket purchase web page, retrieved July 2022

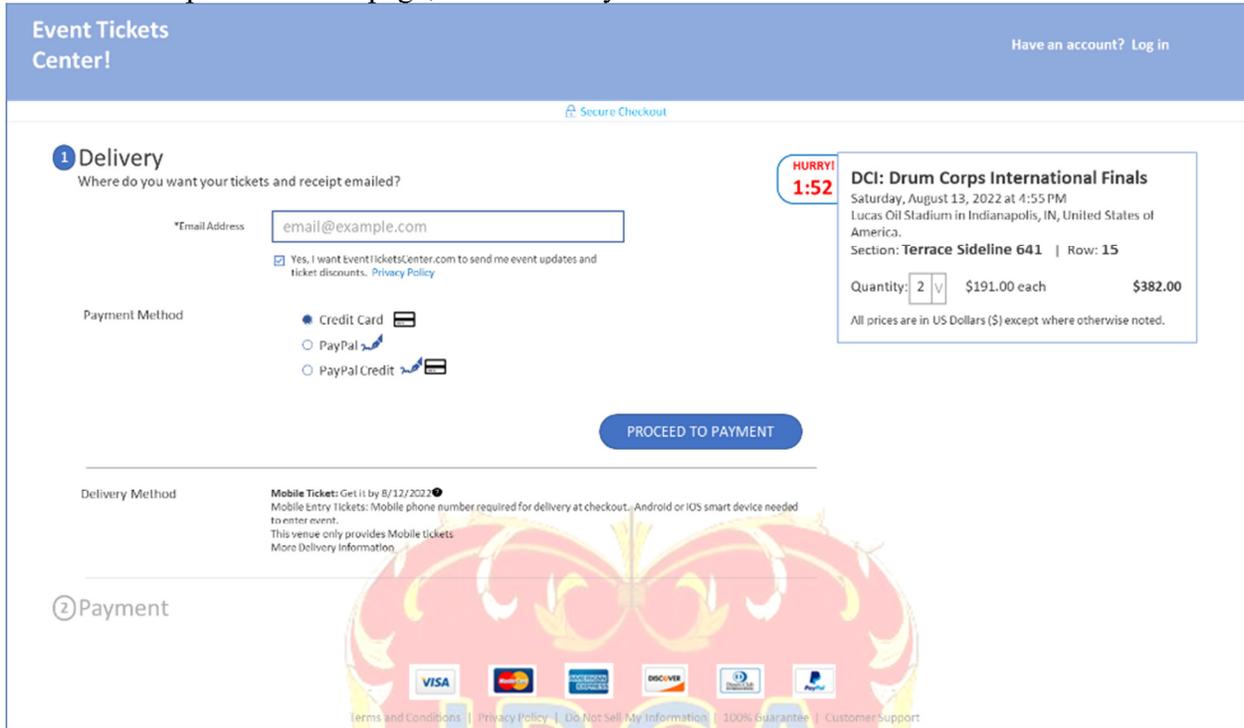


Figure 13
Countdown timer on ETCI's ticket purchase page, retrieved July 2022

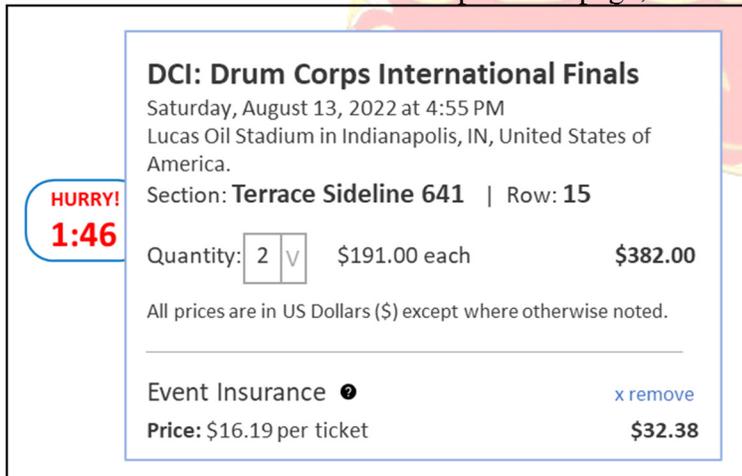


Figure 14
Bottom of ETCI's ticket purchase page, retrieved July 2022

*Expiration Date /

*Security Code

Add Ticket Protection

Yes, protect my ticket purchase for only \$16.19 per ticket (\$32.28 total). **Highly Recommended**

- ✓ **Get reimbursed 100% of your ticket cost** if you can't attend the event due to reasons like covered illness or injury (yourself or a family member), mechanical breakdown, traffic accident, airline delay, and weather emergency
- ✓ **Receive 24/7 assistance** that can find parking info, book hotels and more

No, don't protect my \$518.01 DCI: Drum Corps International Final ticket purchase. I understand I may be responsible for eligible non-refundable expenses.

13,293 people protected their tickets in the last 7 days

COVID: [More about coverage, limitation, and exclusions](#)

Recommended/offered/sold by Allianz Global Assistance. Underwriter: Jefferson Insurance Company. Plan incl insurance and assistance services. Terms and exclusions (incl. for pre-existing conditions) apply. [Plan and Pricing details, disclosures.](#) [Coverage Alerts](#)

We are a resale marketplace, not the ticket seller. Prices are set by third-party sellers and may be above or below face value.

By clicking "Place Order," your credit card will be charged \$518.01 which includes ticket, service, and deliver fees.

By clicking "Place Order," you are agreeing to EventTicketsCenter.com's [terms and policies](#). All sales are final.

PLACE ORDER

DCI: Drum Corps International Finals
Saturday, August 13, 2022 at 4:55 PM
Lucas Oil Stadium in Indianapolis, IN, United States of America.
Section: **Terrace Sideline 641** | Row: **15**

Quantity: \$191.00 each **\$382.00**

HURRY!
1:42

All prices are in US Dollars (\$) except where otherwise noted.

Figure 15
Checkout information before order placement, retrieved July 2022

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PLACE ORDER