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NAD Finds 'Humorous Vignette' in Broadcast Ad was not Falsely Disparaging; Recommends Comcast Discontinue Claim that Disparages U-Verse Wireless Receiver

New York, NY – July 15, 2014 – The National Advertising Division has determined that a television commercial depicting a hapless and clumsy AT&T Services, Inc. technician featured a “humorous vignette” and “did not falsely disparage the performance capability of [AT&T Services’] wireless receiver product.”

NAD recommended, however, that Comcast Cable Communications, LLC, an AT&T Services competitor, discontinue a claim that NAD determined did misleadingly disparage AT&T’s U-Verse wireless receiver.

NAD is an investigative unit of the advertising industry system of self-regulation. It is administered

by the Council of Better Business Bureaus.

AT&T challenged the following express claims:

- *"Don't get U-ped [rhymes with 'duped'] by U-Verse."*
- *"Get the most entertainment on any device anywhere with Xfinity from Comcast."*

NAD also considered whether the advertising at issue implied that:

- *AT&T hires improperly trained and incompetent employees that do not understand the services they are selling or how to deal with customers.*
- *AT&T is duping its customers about the benefits of its wireless receiver.*

In this case, the AT&T contended that the challenged commercial falsely disparaged one particular product related to its service, its U-verse wireless receiver.

The challenged commercial features a fictional U-verse sales representative trying to recruit a Comcast family to switch to AT&T's service with a wireless receiver. The representative explains, "And with U-verse, you can move your TV anywhere in the house."

During the course of the spot, the technician rips the family's large, wall-mounted television out of the wall and demolishes a large aquarium, bookshelf, and lamp.

The commercial concludes with a voiceover that states "Don't get U-ped [rhymes with 'duped'] by U-verse. Get the most entertainment on any device anywhere with Xfinity from Comcast."

NAD determined that the humorous vignette in the challenged commercial did not falsely disparage the performance capability of the challenger's wireless receiver product. NAD determined, however, that the phrase "Don't be U-ped by U-Verse" was falsely disparaging of the U-Verse wireless receiver and should be discontinued. NAD also found that the phrase "get the most entertainment on any device anywhere with Xfinity from Comcast," conveyed "an accurate message regarding the breadth of the advertiser's library of content on a variety of viewing devices including the product featured in the challenged commercial, televisions."

Comcast, in its advertiser's statement, said the company appreciated NAD's finding that the "humorous vignette in the challenged television commercial was not false and, also, NAD's recognition that the phrase 'get the most entertainment on any device anywhere with Xfinity from Comcast' was a truthful and accurate statement. Comcast agrees to discontinue the phrase 'Don't be U-ped by U-Verse' from its advertising referring to the U-Verse wireless receiver."

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