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NAD Recommends DirecTV Discontinue Certain Claims in 'Rob Lowe' Ads Following Comcast Challenge; DirecTV to Appeal

New York, NY – April 7, 2015 – The National Advertising Division has recommended that DirecTV, LLC, discontinue certain advertising claims made in a series of television commercials that feature actor Rob Lowe and one of several odd or awkward alter-ego characters. DirecTV has said it will appeal NAD's findings.

NAD is an investigative unit of the advertising industry's system of self-regulation. It is administered by the Council of Better Business Bureaus.

Comcast Communications, LLC, challenged express claims that included:

- "With DirecTV you get 99% signal reliability"
- "With DirecTV you get 99.9% signal reliability"

- *“With DirecTV you get 1080p picture quality and Dolby 5.1. The industry’s best picture quality and sound.”*
- *“Up to 1080p picture quality”*
- *Rob Lowe Alter-Ego: “Don’t be like this me. Get rid of cable and upgrade to DirecTV”*
- *“DirecTV is #1 in customer satisfaction over all cable TV providers”*
- *“DirecTV is ranked higher than cable for over 10 years.”*
- *“DirecTV is the undisputed leader in sports which means you can watch all the games you want to”*
- *“When it comes to sports, with DirecTV, you can have them all.”*

NAD considered whether the advertising at issue implied that DirecTV offers superior signal reliability, picture quality, sound performance, more sports programming and more prompt installation or service than cable companies. NAD also considered whether the advertising implies that DirecTV offers 1080p technology and Dolby 5.1 sound and that subscribers can generally access 1080p picture quality and Dolby 5.1 sound when watching DirecTV.

NAD noted in its decision that although “humor can be an effective and creative way for advertisers to highlight the differences between their products and their competitor’s, humor and hyperbole do not relieve an advertiser of the obligation to support messages that their advertisements might reasonably convey – especially if the advertising disparages a competitor’s product.”

In this case, NAD noted, the alter-ego Rob Lowe depictions are humorous, outlandish and buffoonish and might not by themselves communicate a factual message about cable. However, NAD determined that each commercial must be viewed in context to determine whether it conveyed the message that DirecTV is comparing a service or feature to cable.

Following its review of the evidence in the record, NAD determined that DirecTV’s testing substantiated its 99% signal reliability claim. NAD determined that the advertiser had supported its “up to 1080p” picture quality claims but recommended that the advertiser modify the claim to clearly and conspicuously disclose the limited programming on which resolutions of 1080p is currently available.

NAD determined that a reasonable takeaway from the “Creepy Rob Lowe” commercial was that DirecTV has better signal reliability than cable, that the “Painfully Awkward Rob Lowe Commercial” conveyed the message that DirecTV has shorter customer service wait times than cable and that the “Far Less Attractive Rob Lowe” commercial made an implied claim that DirecTV has better picture and sound quality than cable. Given the absence in the record of supporting evidence, NAD recommended the advertiser discontinue the claims.

NAD determined that the “Scrawny Arms Rob Lowe” commercial communicated an implied but unsupported message that DirecTV’s sports programming was superior to cable’s sports programming and recommended the claim be discontinued.

NAD determined that the claim, “Don’t be like this me. Get rid of cable and upgrade to DirecTV,”

when it appears at the end of a commercial which compares attributes of DirecTV to attributes of cable reasonably conveyed a comparative and unsupported superiority message, and recommended that in this context the claim be discontinued.

In considering the advertiser's "ranking" claims, NAD recommended DirecTV discontinue its "rated #1 claim" or modify the claim to disclose clearly and conspicuously and in close proximity to the main claim that no other cable provider was ranked higher than DirecTV and that the rating was based customer ratings of their own service provider. NAD further determined that the advertiser modify the claim, "DirecTV has been ranked higher than cable for over ten years" to clearly disclose that the claim is based on customers' satisfaction with their own providers.

Finally, NAD recommended that DirecTV either discontinue the price claim featured in the "Scrawny Arms Rob Lowe" commercial or modify it to reflect the price of a package that included the sports programming featured in the commercial.

DirecTV, in its advertiser's statement, said the company "continues to believe that the various Rob Lowe advertisements are so outlandish and exaggerated that no reasonable consumer would believe that the statements being made by the alter-ego characters are comparative or need to be substantiated."

Further, the company said, it disagreed with NAD's findings with respect to its ranking claims, picture quality claims and sports programming claims and would appeal NAD's adverse findings to the National Advertising Review Board.

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