

DirecTV's Rob Lowe Ads Found to be Misleading

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Last week, we [posted](#) about the FDA's objections to Kim Kardashian's promotion of a morning sickness drug on social media. In our effort to keep you up-to-date on celebrity advertising law issues, this week we turn our attention back to Rob Lowe's DirecTV ads. [As we noted in April](#), the NAD had determined that some of the ads included unsupported superiority claims. DirecTV later appealed the decision to the National Advertising Review Board. Last week, the NARB largely agreed with the original decision.

The ads start with Rob Lowe stating that he has DirecTV. Then, a creepy or dysfunctional version of the actor appears and announces that he has cable. The ads close with Rob Lowe pointing to his alter-ego, saying: "Don't be like this me. Get rid of cable and upgrade to



DirecTV." In its decision, the NAD found that the ads implied DirecTV was superior to cable with respect to signal reliability, picture and sound quality, sports programming, and service wait times. DirecTV didn't submit any substantiation for these claims, and NAD recommended that the company stop making them.

One of the key questions was whether the ads made any claims that required proof, in the first place. DirecTV argued that because the ads were so outlandish, consumers wouldn't take the comparisons seriously. The NARB agreed that the commercials were funny. "However, depending on context, even humorous advertisements can convey messages that require substantiation." The NARB noted that its decision was based on its "determination of the net impression reasonably created" by the ads. Although the ads were couched in humor and consumers might not take everything seriously, the ads still conveyed that DirecTV was superior in certain regards.

As we noted before, humor and hyperbole can be effective advertising techniques. In some cases, they can even get a message across without requiring an advertiser to have proof for that message. But the NAD has often held that denigrating claims "must be truthful, accurate, and narrowly drawn so that they do not falsely disparage a competitor's product." If a funny ad makes specific comparisons to a competitor, the advertiser may be responsible for substantiating those comparisons.

Those saddened by the end of the Rob Lowe campaign may want to look for new spots featuring NFL

stars Eli Manning and Tony Romo.