

NAD Finds DirecTV's Rob Lowe Ads to be Misleading

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DirecTV has received a lot of attention for its ad campaign featuring Rob Lowe. Although many of the commercials are funny, not everyone is laughing. Comcast challenged the ads before the NAD, arguing that the ads make misleading comparisons between DirecTV and cable. The NAD largely sided with Comcast, and asked DirecTV to stop making various claims.

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.” Comcast argued that the ads convey the misleading impression that DirecTV is superior to cable on a number of attributes, including signal reliability, picture quality, and customer service.

The case involved a number of issues, but 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. Sometimes this type of argument can work, and an advertiser won’t have to provide proof. But the NAD noted that the use of humor and hyperbole doesn’t automatically mean that consumers won’t take away objective claims from an ad.

The NAD determined that the discussion of specific attributes — such as signal reliability, picture quality, and customer service — coupled with the tagline encouraging people not to be like the creepy version of Rob Lowe by upgrading from cable to DirecTV could reasonably convey that DirecTV was superior in each of the attributes mentioned. Because DirecTV did not provide proof of superiority, the NAD found many of the ads to be misleading.

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."