

# When Monsters Cross a Line (Claim)

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For centuries, monsters have been vilified in countless books and films. Although the bad reputation that monsters have earned is generally well-deserved – they do, after all, frequently hurt people, destroy things, and otherwise cross the line of what’s socially acceptable – it’s important to keep in mind that some monsters are actually a lot like us. They go to work, they spend time with their families, and they like to unwind at the end of a long day. And that’s where this story begins.

A recent Spectrum commercial shows a mummy, the grim reaper, a demon, and a creepy puppet getting ready to play an online game, when their attempts to unwind are thwarted by slow internet speeds. When the puppet asks the demon whether he gets his internet through a fax, the demon responds that it’s all he could get in his place with AT&T. An announcer states that “bad download speeds are evil,” and that “Spectrum download speeds are 20X faster than AT&T,” as the same words appear on the end card.



AT&T argued that the commercial conveys a “line claim” – in other words, that consumers will think that Spectrum download speeds are 20X faster than AT&T download speeds *on all plans* – which isn’t accurate. In fact, AT&T offers plans with higher speeds than the ones Spectrum used for its comparison. Spectrum disagreed that consumers would interpret the commercial as conveying a line claim, arguing that a disclosure in the ad clearly states the basis of the comparison: “Spectrum Internet Gig against AT&T Internet 50.”

Siding with AT&T, NAD noted that the audible parts of the commercial and the end card prominently mention “Spectrum” and “AT&T,” rather than the specific service plans being compared. Although the disclosure did mention the specific plans, a “small print” disclosure was not sufficient to “prevent

a broad line claim message from being conveyed.” Accordingly, NAD urged the advertiser to stop making the claim or to more clearly and conspicuously disclose the specific plans being compared.

Usually, when NAD recommends that an advertiser make a clear and conspicuous disclosure, it doesn’t elaborate on what that means. In this case, though, NAD did provide additional detail: “If the 20X Faster Claim is audible, the basis of comparison must also be clearly and conspicuously audible to ensure that consumers who only hear the 20X Faster Claim are informed of the specific service tiers upon which the download speed comparison is based.”

Does this mean that advertisers will always need an audible disclosure to ensure that TV ads don’t convey line claims? Not necessarily. NAD notes that “in reviewing line claims, the question as to whether both visual and audio disclosures are necessary depends on the merits and context of each case . . . .” But the end to that sentence is telling: “disclosing the basis of comparison in both visual and audio formats considerably lessens the potential for consumer confusion.”

This case has lessons for everyone. If you’re an advertiser making comparative claims, make sure that you are clear about exactly what products or services you are comparing so that you lessen the potential for consumer confusion – not to mention the potential for your competitor to argue that consumers are confused. If you’re a monster focused on online gaming, make sure you spring for the faster internet plan. Either way, a little prior planning can save you a lot of frustration later.