

## Parade of the Pantless, followed by complaints

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*A commercial for CareerBuilder during the Super Bowl, left, showed men in their underwear as did the next spot from Dockers, right. The marketers complained to CBS that the placement blurred their messages.*

PEOPLE love to complain about what they consider to be the dearth of original ideas on Madison Avenue. One reason they still watch television commercials, it seems, is to cry "Gotcha!" whenever they see a spot that reminds them of another commercial.

Take, for instance, an example that Perry Mason might have called the Case of the Pantless Pair. Here, imitation isn't flattery: it's become an issue between the advertisers and a network.

Early in the second quarter of Super Bowl XLIV on Feb. 7, CBS went to a commercial break, or pod, composed of three spots. The first, for CareerBuilder, showed what could happen in an office when Casual Friday goes too far: men go around in their underwear, without pants.

That commercial was followed immediately by a spot for Dockers, sold by Levi Strauss & Company, in which men were urged to "wear the pants" — that is, to grow up and dress up. To bring the concept to life, men were shown in their underwear, without pants.

The third spot in the pod, which ran after the Dockers commercial, was a Hyundai spot featuring Brett Favre. He kept his pants on, and CBS returned to the game.

Viewers who were chatting online while watching the Super Bowl noticed the duplication. Some chalked it up to coincidence; others mocked what they deemed a paucity of originality. It was mostly forgotten until a month later, when AdAge.com, the Web site of the publication Advertising Age, reported that executives at Dockers were miffed their spot ran right after one that looked somewhat the same because they feared viewers might have confused the commercials.

As a result, the article said, Dockers asked for free compensatory commercial time from CBS, known as a make-good, which the network would provide during its coverage of the men's basketball tournament of the National Collegiate Athletic Association.

(Although a spokesman for CBS, Dana McClintock, declined to discuss the article, he wrote in an e-mail message that the Dockers executives "were happy" after talking to the network.)

Days later, AdAge.com reported that CareerBuilder was also seeking a make-good from CBS, a request that the network turned down not long after. (Mr. McClintock declined to comment.)

In a phone interview last week, Richard Castellini, chief marketing officer at CareerBuilder in Chicago, said he was disappointed by CBS's decision.

"It's unfortunate we're being treated differently from other clients," Mr. Castellini said. CBS told him CareerBuilder had less of a claim than Dockers because its spot had preceded the Dockers spot, he added, and CareerBuilder had also received an on-screen "brought to you by" mention, known as a billboard, while Dockers did not.

CareerBuilder executives were "surprised at the lack" of care that CBS exercised in putting together the pod, Mr. Castellini said.

"We're talking about the biggest event of the year, not only for television, but for advertising," he added. "You would think due diligence would go into the layout of the pods."

Neither CBS nor any other major network has a policy of screening the commercials that share a pod to make sure they do not share creative elements, however.

The networks screen spots for other reasons. One is to ensure category exclusivity — that is, so viewers do not see pitches for competing products like two car brands or two soft drinks during the same break.

Another reason the networks scrutinize commercials is to prevent defamatory, obscene or offensive material from being broadcast.

Should the networks also review the commercials to sidestep creative conflicts?

"I could see it becoming a trend," said Brad Adgate, senior vice president for research at Horizon Media, to prevent networks from getting "caught with their pants down."

It is a particularly good idea for prominent programs like the Super Bowl, he added, when "everybody watches the ads" and a network would need to look at "only 65 commercials, instead of a whole night's worth."

Even if CareerBuilder and Dockers are in "two entirely different product categories," Mr. Adgate said, CBS should have noticed that the creative ideas in the spots were similar and separated them.

Steve Sternberg, a media analyst and the author of the Sternberg Report blog, agreed that avoiding creative conflicts "will be a consideration in the future for something like the Super Bowl or Olympics."

The high cost of spots during such programming is a reason to oversee them more than "regular series commercial pods," he added.

There is precedent for that approach, at least during the Super Bowl. The networks that broadcast the game each year — CBS, Fox and NBC — sell spots based on pod positions. An advertiser can request, say, the first position in the second pod in the third quarter, and the pods are assembled by the traffic or sales departments according to those deals.

Joe Mandese, editor in chief of MediaPost, part of MediaPost Communications, said he was less willing to expand the definition of "what constitutes competition in advertising."

"It is amazing that we have reached the point where a creative concept or execution now constitutes a competitive advertising conflict," Mr. Mandese wrote in an e-mail message. "As if anyone needs to fight over bragging rights to ads featuring pantsless people."

If the Case of the Pantsless Pair is ever solved, perhaps Perry Mason could tackle another creative conflict from the same Super Bowl: a spot for Focus on the Family in the first pod in the first quarter, in which Pam Tebow is tackled by her son, Tim, a football player, was

followed immediately by a spot for Snickers in which Betty White and Abe Vigoda are also tackled by football players.

Fortunately, everyone was wearing pants at the time.

**Fonte: New York Times, New York, April 4<sup>th</sup> 2010, Advertising, online.**

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