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Some ads toe line of Super infringement

By Laura Petrecca, USA TODAY

They're not shelling out \$2.5 million to ABC for a 30-second Super Bowl ad — or even more to be an NFL sponsor — but that hasn't stopped companies from trying to glom onto Super Sunday glory.



Miller's shrink-wrapped "referee" beer bottles are an unofficial tie-in to the "Feb. 5 game."

Marketers of beer, hot dogs and even toilet paper have rolled out campaigns to capitalize on this weekend's game — while keeping just this side of the rules. Others have been going even further with extremely aggressive Super Bowl tie-ins known as "ambush marketing."

What they all have to dodge: lawyers for the NFL, which has secured hundreds of trademark rights, including not only the league's logo and "Super Bowl," but also "Super Sunday" and anything else they think denotes their property.

"The Super Bowl is high season for commercial encroachment," says NFL in-house lawyer Gary Gertzog. "It's pretty busy right now. ... We're in discussions with people we've called and sent cease-and-desist orders to."

The league won't give details but says it's now investigating a gambling website's prominent billboards — including one at New York City's Times Square — that say: "Everybody Bets on the Super Bowl at Sportsbook.com."

Sportsbook.com marketing director Alex Czajkowski says the company didn't realize the ads were out of bounds and that its lawyers are reviewing the situation. He says the NFL's tough defense of terms such as "Super Bowl" is "ludicrous."

"What are we supposed to do, call it the Feb. 5th game?" he asks.

According to the NFL: yes.

"If we weren't able to protect the rights as well as we do, (companies) would decide that it's cheaper to do ambush marketing as opposed to paying the sponsorship fees," Gertzog says.

NFL investigators are now surfing the Web for trademark violators, as well as trolling bars and restaurants not only in host city Detroit but also in other big sports towns. "We are very aggressive in protecting NFL rights," Gertzog says.

Many non-sponsors manage to capture a bit of the buzz by treading carefully. Some hire retired NFL players and coaches as spokesmen. Their most popular non-NFL-owned way to describe the event is "The Big Game."

They also tap marketing, public relations and legal experts to "sort out how far they can push the envelope before they cross the line," says sports business consultant David Carter.

Even though paying sponsors don't like sharing the field, it's expected, says Jim Andrews, editorial director of *IEG Sponsorship Report*. "Major sponsors realize that they're not going to lock out everyone from implying an association with the Super Bowl. You can't stop people from running an ad that says 'The Big Game on Sunday.' "

Among marketers trying for a super score — without drawing a flag:

•**Scott Bath Tissue.** Former Bears coach Mike Ditka urges consumers to use its easily dissolvable toilet paper during "The Big Game," to cut the danger of clogs during the halftime bathroom rush.

•**Miller.** Coors is the official NFL beer and Anheuser-Busch the exclusive beer advertiser on Sunday's broadcast, so Miller has to be creative. It extended a contest on eBay to auction a visit by NFL Hall of Famer Eric Dickerson to the winner's home for the "Feb. 5 game." Miller is also shipping bottles shrink-wrapped to look like referees for sale in Detroit, the game host, spokesman Scott Bussen says.

•**ConAgra Foods.** NFL quarterback-turned-commentator Boomer Esiason plugs its meats, mustard and sloppy Joe sauces in a promotion that ends Feb. 5. "What's nice about Boomer is that he gives us NFL credibility without tying into the NFL per se," says integrated marketing manager Corey Saenz.

•**Best Buy.** "Big game" is a theme in ads for high-definition and big-screen TVs. "Big game gear-up," say its circulars. "A big party. A bigger screen. Be MVP."

Best Buy also promises customers who buy a 37-inch or larger TV by 7 p.m. this Saturday that it will be delivered by 3 p.m. sharp on game day or they get a \$50 gift card.

"We're trying to take advantage of the excitement around the game," spokesman Brian Lucas says. "There are very few events that lend themselves to parties that are centered around the television."

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