

CTV takes aim at Super Bowl ad ban

Broadcast rules too restrictive, Fecan tells CRTC

Barbara Shecter, Financial Post

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One-of-a-kind TV commercials that are broadcast only in the United States during the Super Bowl are so enticing to Canadians that the CTV network attempted to buy the ads to broadcast as a separate TV show in Canada, apart from the championship football game.

The plan was revealed by CTVglobemedia Inc. chief executive Ivan Fecan at Canadian Radio-television and Telecommunications Commission hearings last week in Ottawa. But "simultaneous substitution" rules, put in place decades ago to guarantee Canadian networks would not have to compete with U.S. channels for advertising dollars, mean viewers tuned to the Super Bowl in Canada will likely continue to see Canadian ads substituted for the buzzed-about U.S. commercials for the foreseeable future.

Mr. Fecan said at the hearings -- which are expected to lead to an overhaul of the regulations governing Canadian television -- that CTV was unsuccessful in acquiring the commercials for broadcast in Canada as a separate show because the advertisers hadn't "cleared" the ads for broadcast outside the United States.

Meanwhile, CTV filed a complaint this month with the CRTC saying Shaw Communications Inc. and its Star Choice service, and BCE Inc.'s Bell ExpressVu allowed this year's ads to slip through in some markets during the broadcast of Super Bowl XLII last February. It's the latest skirmish in the battle between a Canadian broadcaster determined to protect exclusive rights to air the game in Canada, and satellite and cable companies aiming to satisfy customers by giving them access to the buzzed-about ads.

The Super Bowl broadcast features some of the most expensive and hyped advertising on television, with companies such as Apple Inc. using the large audiences for the football game to launch new products pitched by celebrities.

But Canadians have largely missed such landscape-shifting ads like the one that introduced Apple's Macintosh computer during the 1984 game.

Or, more recently, they have gone to the Internet and video Web sites such as YouTube to see a much-talked-about-ad featuring Kevin Federline, former husband of Britney Spears, as a fast-food worker.

Kaan Yigit, president of communications consultant Solutions Research Group Inc., said Canadians want to see the

ads "because they are not allowed to and yet there is all this buzz about the ads. "

Mr Yigit said he thinks a Canadian network could get "top 20" show ratings and attract domestic advertisers if it were to secure the rights to air the commercials back-to-back after the game.

In the meantime, though, the CTV is asking the CRTC to crack down on the cable and satellite companies that appear determined to let the ads into Canada during broadcasts of the Super Bowl to their benefit. The network says the TV distributors try to get around regulations by claiming the Canadian broadcaster's high-definition signals are inferior, and therefore simultaneous substitution is not required. It is urging the federal broadcast regulator put the three cable and satellite companies in contempt of court if they show the U.S. ads.

CTV is particularly upset with Bell ExpressVu. It accuses the satellite distributor of picking up extra feeds of the U.S. Fox network stations in Seattle and Boston, then notifying customers they could watch "unsubstituted" feeds.

The popularity of the U.S. Super Bowl ads to Canadian viewers is well known to executives of Bragg Communications, the operator of Eastlink Cable in Eastern Canada.

At the CRTC hearings, Eastlink co-chief executive Dan McKeen told commissioners the exclusion of U.S. advertising from Super Bowl broadcasts in Canada is "the number one issue we have with our customers every year."

He urged the regulator to exempt the football game from simultaneous substitution rules to encourage viewers to remain with Canada's cable and satellite companies, rather than go black-market U.S. services or the Internet.

The CRTC has not indicated if it consider such a plan, nor has it ruled on CTV's complaint against Shaw, Star Choice and ExpressVu.

But it clearly is aware of the issues. Each year, around the time of the Super Bowl broadcast, the CRTC posts an explanation on its Web site about simultaneous substitution explain why viewers in Canada don't see the U.S. ads.