

## Company Asked to Revise Advertising To More Clearly Indicate the Basis of its Claims

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In a recent challenge, the National Advertising Division recommended that The Gillette Company modify its claims regarding the tug and pull created by its ProGlide product. Gillette advertised that the ProGlide's thinner, finer blades resulted in less tug and pull, using the qualifying disclaimer "leading blades vs. Fusion." Energizer Personal Care challenged the claim, alleging that consumers could interpret the claim to mean that all of the blades in the ProGlide product are the Gillette's thinnest blades ever when in fact only the first four out of the five blades were thinner than Gillette's Fusion razor. Energizer also alleged that the use of the phrase "leading blades" in the disclaimer was not sufficient to clarify the claim because it could be interpreted as "leading product" and not as the first blade in a series on the razor.

The NAD found that in the context of the advertising, where the claim "thinner, finer blades" and the disclaimer "leading blades vs. Fusion" were used along with a picture of the entire razor and in some iterations a circle around all five blades, the consumer could reasonably interpret the claim to mean that all of the Fusion ProGlide blades were Gillette's thinnest and were thinner than the leading product. The NAD further found that consumers could interpret "leading blades" to mean "leading product," particularly where the advertiser referred to the "leading product" in the same advertisements. Where data showed the both Gillette's Fusion and Energizer's Hydro were leading products during the relevant time periods, the NAD found that the advertisement could be interpreted as making a comparison between the thinness of the Fusion ProGlide versus the Hydro razor.

While the NAD found that the advertiser's claims were supported when they were limited to a comparison between the Gillette's ProGlide product and its own Fusion products, the NAD found that the claims were not supported when made in comparison to the Hydro razor. The NAD recommended that Gillette modify its claim to make it clear that "leading blades" refers only to the first four blades in its cartridge and limit the comparison to its Fusion product to avoid unsupported comparative claims to competing razors, such as the Hydro.

**TIP: Advertisers making comparative claims should clearly disclose the basis of comparison and the products which are being compared in a manner meaningful to consumers. If claims are limited in any manner, such limitations should be clearly and meaningfully disclosed.**

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