



QUARTERLY

Newsletter of the National Advertising Review Board

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Winter 2008

Letter from the Chair

by Howard Bell

Dear Colleagues,

As you know, 2007 was a remarkably busy year for the National Advertising Review Board.

NARB issued six Panel Reports, a very high level of activity for NARB and well above our normal yearly average. NARB handled the following:

Panel #137

Procter & Gamble / Swiffer Dusters
Advertiser Appeal

Panel #138

Mercedes Benz / GL Class
Advertiser Appeal - Withdrawn

Panel #139

Wm. Wrigley Jr. Company / Orbit White Gum
Advertiser Appeal - Withdrawn

Panel #140

Malt-O-Meal / Malt-O-Meal Cereals
Advertiser Appeal

Panel #141

Perdue Farms / Perdue Short Cuts
Advertiser Appeal

Panel # 142

Bayer Healthcare / Ascensia Contour and Ascensia Breeze Diabetic Monitoring Systems
Advertiser Appeal

Panel #143

Procter & Gamble / Crest Pro-health Toothpaste
Cross Appeal

Panel #144

Intelligent Beauty / Restore Eyes
Advertiser Appeal - Withdrawn

Panel #145

Bayer Healthcare / One-A-Day All Day Energy
Advertiser appeal

This year, the annual conference of the **National Advertising Division (NAD)** held in New York in September, featured three past and present NARB members - **Robin Hafitz**, CEO of Open Mind Strategy; **Tim Love**, Vice-Chair, Omnicom, and **Mark Serrienne**, CEO of Northlich. Several NARB members accepted a special invitation to attend the conference cocktail reception. It was a pleasure to see them there.

(continued on page 2)

On the Inside

Page 1- 2

Letter from the Chair

Page 2-4

Panel Update



Throughout the year, Linda Bean, NARC Director of Communications, has directed media inquiries that fall outside the scope of NARC's work, to some of our NARB members. If you are a current member of the NARB (or an NARB alumni) please give Linda a call. She'd be pleased to hear from you and she can be reached at 212.705.0129 or lbean@narc.bbb.org.

My sincere thanks to those NARB members who came off the board at the end of 2007: **Andy Fletcher**, CEO, Fletcher Martin; **Robert Viscardi**, Media Director, George Weston Bakeries and **Phyllis Woolley-Roy**, Assistant Director Patient Marketing, Genentech. Their service on numerous panels and their willingness to share their expertise has been invaluable to the process of advertising-industry self-regulation.

In the months ahead, we have several new initiatives on the horizon, including the development of an NARB executive committee. The NARB executive committee promises to

actively involve more NARB members during their terms of service and provide NARC with new feedback to help enhance the system.

Separately, we are designing a webinar for NARB members, particularly those new to the advertising self-regulatory system. The webinar will cover the workings of the appeal process and examine the progression of NAD cases. In addition, there will be an overview of the benefit of a healthy advertising self-regulatory system.

If recent patterns hold true, this should be another extremely active year for the NARB appeals process. We very much appreciate the willingness of NARB members to serve on panels. The success of this process is the direct result of the valued time and expertise you provide.

Our heartfelt thanks

Howard Bell

PANEL Update

REPORT OF NARB PANEL 142

July 12, 2007

Appeal of NAD Final Decision

Regarding Advertising by Bayer Healthcare

Background

Print and Internet claims made by Bayer Healthcare LLC ("Bayer") for its Ascensia Contour and Ascensia Breeze blood glucose monitoring meters were challenged before NAD by Abbott Laboratories ("Abbott"), manufacturer of competing products.

The challenged advertising makes specific claims about both the degree of inaccurate readings and potential harm to consumer health that can result from competitors' blood

Panel #142 - NARB Board Members

Dr. Jan LeBlanc Wicks

(Chair)

Professor & Graduate Coordinator

University of Arkansas

Cheryl Greene

Brand and Strategy Advisor

Deutsch, Inc.

Michael Jeary

President & CEO

Partners + Jeary

Robert Stowe

Director of Marketing Services

Wendy's International



glucose monitoring meters if they are miscoded. After reviewing the substantiation offered by Bayer, NAD found that the claims overstated the nature of inaccurate readings and potential harm to consumers. Bayer disagreed and appealed NAD's findings to the NARB.

Findings

The panel agreed with NAD that the testing done by Bayer did not provide appropriate substantiation for the advertising claims because it did not meet the consumer relevant/real world requirements. The meters used in the Bayer studies were coded with codes that would, as a practical matter, never be entered by users except under the most extreme conditions of user error.

The panel also agreed with NAD that, even if Bayer's tests were considered to provide substantiation for its claims as to the degree to which miscoded meters can produce erroneous readings, the challenged advertising overstated the test findings with regard to clinical harm that could result from erroneous readings.

Decision

The panel recommended that Bayer discontinue the challenged claims regarding the degree of inaccurate readings and the dangers posed by the miscoding of competing manually calibrated meters.

Bayer agreed to comply with NARB recommendations.

PANEL Update (continued)

REPORT OF NARB PANEL 143

September 12, 2007

Appeal of NAD Final Decision

Regarding Advertising by Procter & Gamble

Background

Advertising claims made by Procter & Gamble Company ("Procter & Gamble") for its Crest Pro-Health toothpaste were challenged by Colgate-Palmolive Company ("Colgate-Palmolive").

The challenged advertising appeared on Crest Pro-Health packaging as well as in a variety of media including print, television, and websites.

Finding

NAD and NARB panels often step into the shoes of consumers to determine a reasonable consumer takeaway from challenged claims. The panel agreed with NAD that at least one reasonable consumer takeaway from the "Dentist Recommended Benefits" claim is that the Crest

Pro-Health product is recommended by dentists. While the panel agreed there are some concerns with the questions and coding of Colgate-Palmolive's consumer perception study, the panel found that these concerns are not enough to prevent this study from at least supporting the panel's finding that "dentist recommended product" is one message that is reasonably conveyed by the "Dentist Recommended Benefits" claim.

The panel also agreed with NAD that the "dentist recommended product" message, as found by NAD and the panel, had not been substantiated. While Procter & Gamble submitted testimonials from some dentists who have recommended the Crest Pro-Health product, this evidence falls short of establishing that a representative sample of dentists recommend Crest Pro-Health.

Challenged ads for Crest Pro-Health feature a notepad with the "ADA Accepted" seal at the top of the notepad, followed by a checklist of seven benefits. However, only five of those benefits



have been formally accepted by the ADA under its seal program.

The panel found that the challenged advertisement conveys the claim that all seven of the listed benefits have been accepted by the ADA. The panel also agrees with NAD that it is therefore misleading for more than the five accepted benefits to be listed as benefits under the "ADA Accepted" seal.

NAD found that Procter & Gamble had adequately substantiated its claim -- on a website intended for dental professionals -- that stannous fluoride, the antibacterial ingredient in Crest Pro-Health, kills bacteria and inhibits the re-growth of new bacteria for at least twelve hours.

The panel agreed with NAD's determination that the studies submitted by Procter & Gamble were reliable and well-conducted, and that they provide a reasonable basis for the 12 hour antibacterial claim.

Decision

The panel found that Procter & Gamble has provided adequate substantiation for the challenged 12 hour antibacterial claim.

The panel recommended that Procter & Gamble discontinue its "Dentist Recommended Benefits" claim for Crest Pro-Health, and that it discontinue advertisements that list under an "ADA Accepted" seal any benefits that have not been formally accepted by the "ADA Accepted" seal program.

Procter & Gamble agreed to comply with NARB recommendations.

Panel #143 - NARB Board Members

R. Michael Hoefges (chair)

Assistant Professor and M.A./J.D. Coordinator
University of North Carolina at Chapel Hill

Desiree Aoki

Director, Premium Sales & New Media
Universal Music Group

Peter Regan

Executive VP, General Manager, Media Director
Cliff Freeman & Partners

Patti Wells

Finance Manager
General Mills, Inc.

Mark Wolf

Manager, Market Research
Guardian Life Insurance Company of America

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NARC PARTNERS



The National Advertising Review Board (NARB) is administered for the National Advertising Review Council (NARC) by the Council of Better Business bureaus (CBBB).