

**Advertising Standards Authority**

**Broadcast Advertising  
Adjudications**

26 April 2006



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**ADVERTISER:** Indesit Company UK Ltd t/a Hotpoint  
**AGENCY:** Leith London  
**Date:** 26 April 2006  
**Media:** Television  
**No. of complaints:** 2

**COMPLAINT:**

A TV ad for Hotpoint showed a man lovingly touching a range of appliances in a new kitchen. He fiddled with knobs on the oven as he knelt on the ground in front of it and pressed buttons on the hob before leaning over, putting his face on the hob and stroking it. As the man was playing with the dishwasher a woman walked in with a bag of coffee and removed a coffee filter from the coffee machine. The man said "You're not going to use that are you?" The woman looked quizzical. Lively music was played throughout the ad.

The ad was shown without a timing restriction.

Two viewers complained that the ad was dangerous because the actions of the man touching the hob could be emulated by children and lead to harm.

**ADJUDICATION:** Complaints upheld

The Broadcast Advertising Clearance Centre (BACC) said the ad would not appeal to children as the colours were fairly drab and the humour was adult. They said the whole point of the ad was that the kitchen was so new the man did not want to use it. They said that, although the man ran his hands along the hob, it was not switched on and he was simply admiring it. They said ovens would generally be too high for young children to reach in that way; the hob was of a type that would turn red when switched on and it was clearly not hot when the man touched it. They said the ad did not imply it was generally safe to touch a hob.

Leith London said it was not dangerous to show a man touching a hob in the way shown in the ad for a number of reasons. They said the kitchen was newly installed and the man was clearly enjoying it in its most pristine, unused state. They said it was clear he did not want to use it because of his comment "You're not going to use that are you?" They said the man touched all the appliances, not just the hob, so it had not been singled out for special attention. They said the look from the woman showed that the man's actions were not normal and that kitchen appliances should be used, not cuddled.

The ASA noted that the man touched all the appliances, not just the hob and the woman's look would make it clear to older children he was acting strangely. However, we considered that young children would be unlikely to understand the woman's look and that the man's actions would appeal to them precisely because they were strange. He also spent time kneeling and sitting on the floor, as a child might. Although the colours were drab, the music was quite lively and may have caught the attention of younger children. The hob appeared to be plugged in and ready to work because when the man pressed the buttons the digital display changed. He was then immediately shown putting his face on

the hob and stoking it. We considered that, even if unlikely to be directly emulated, the actions featured in the ad gave the impression to younger children that hobs were safe to touch. We were concerned that children could be harmed as a result. We therefore considered an ex-kids timing restriction should be imposed on the ad to ensure that it was not broadcast in or around programmes made for or targeted specifically at children.

The ad breached CAP (Broadcast) TV Advertising Standards Code rules 7.3.2 (Physical harm - children), 7.3.7 (Use of scheduling restrictions) and CAP (Broadcast) Rules on the Scheduling of Advertisements rule 4.2.3 (Treatments unsuitable for children) and should only be broadcast again with an ex-kids restriction.

**ADVERTISER:** NHS Health Scotland

**AGENCY:** The Bridge

**Date:** 26 April 2006

**Media:** Television

**No. of complaints:** 2

**COMPLAINT:**

A TV ad for the NHS Stop Smoking Service started with a voiceover and on-screen text which stated "There's now a way to stop smoking that's four times more likely to help you quit". The frame changed to show a woman, sitting in a living room, who said "In the past I've tried everything to stop smoking ... I had hypnotherapy, I had laser treatment ... I had thought nothing would work for me and I went along to the Doctor and she said if I used the patches and the group I was four times more likely to stop smoking ... ". The end frame text stated "Call Smokeline ... Or text 'QUIT' to ... "; a voiceover stated "Stop smoking sessions combined with NRT are four times more likely to help you quit. For a free DVD, call smokeline on ... ".

1. Two viewers complained that the ad did not make clear the basis of the comparison. The viewers, one of whom believed more people gave up smoking using hypnotherapy than any other method of smoking cessation, believed unless hypnotherapy had been included in the comparison the claim was misleading.
2. One viewer complained that the ad misleadingly implied hypnotherapy did not help people to stop smoking.
3. The ASA challenged whether the ad made clear that the indispensable factor in giving up smoking was willpower.

**ADJUDICATION:**

The Broadcast Advertising Clearance Centre (BACC) said, although the ad did not indicate what was being compared, they were satisfied that the unwritten and obvious basis of the comparison was with giving up smoking without any aid. They said they had seen signed testimonials from the woman in the ad about her difficulty in giving up. They believed the ad did not denigrate hypnotherapy because it merely reported the fact that the method did not work for that individual. They said they thought a reference to willpower was not required because the ad was not for a branded smoking deterrent. They believed it was implicit from the fact that group therapy was involved that willpower was required.

NHS Health Scotland said evidence clearly demonstrated that intensive support combined with Nicotine Replacement Therapy (NRT) increased people's chances four-fold when compared with unaided attempts. They said the "four times more likely" claim was based on a number of different 'Cochrane systematic reviews' which they claimed were the best way of assessing the effectiveness of clinical interventions. They pointed out that a Cochrane review of hypnotherapy for smoking cessation found only nine studies that met the quality criteria for inclusion. The review concluded that the studies had not shown that

hypnotherapy had a greater effect on six month quit rates than other interventions or no treatment. NHS Health Scotland argued that because they had shown that intensive support combined with NRT increased people's chances four-fold when compared with unaided attempts, and because they had shown that hypnotherapy was not proven to have any greater effect than unaided attempts, it was acceptable for them to imply that support combined with NRT was four times more likely to help people give up smoking than hypnotherapy.

They said the ad was about Connie, a real person, who told of her experience of trying to give up smoking; in her experience, hypnotherapy and laser therapy had not worked. They believed her story did not suggest that no one had ever given up following hypnotherapy or laser therapy, or that no one had ever given up using willpower alone; it was merely Connie's experience.

#### 1. Complaints not upheld

The ASA understood that the ad featured a testimonial that described a woman's personal experience of using different methods to give up smoking. We considered that, because the woman referred to hypnotherapy and laser treatment, viewers would understand that the "four times more likely" claim compared the success of the NHS service with those two treatments. We understood that some studies that compared the success of hypnotherapy to help people give up with unaided attempts existed. We considered, however, that because NHS Health Scotland had sent evidence to show that many of those studies were not reliable and that hypnotherapy was not proven to have any greater effect than unaided attempts, viewers were unlikely to be misled by the "four times more likely to help you quit" claim.

We investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.1 (Evidence), 5.2.2 (Implications), 5.2.3 (Qualifications), 5.4.3 (Denigration), 5.4.6 (Comparative advertising) but did not find it in breach.

#### 2. Complaint not upheld

We considered that people would understand that the woman in the ad was merely stating that hypnotherapy did not work for her. We considered that the ad did not imply that hypnotherapy treatment would not work for anyone trying to give up smoking.

We investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.1 (Evidence), 5.2.2 (Implications), 5.2.3 (Qualifications), 5.4.3 (Denigration) and 5.4.6 (Comparative advertising) but did not find it in breach.

#### 3. Not upheld

We noted the BACC's argument that the ad was not for a branded smoking deterrent but considered that the Code applied to all smoking deterrents, whether they were branded or not. We agreed, however, that it was implicit from this ad and the fact that group therapy was involved that willpower was required. We considered that the ad made clear that the service would merely help someone to give up smoking; it did not imply that by using the service a customer was guaranteed to stop.

We investigated the ad under CAP (Broadcast) TV Advertising Standards Code rule 8.2.19 (Smoking deterrents) but did not find it in breach.

**ADVERTISER:** Pfizer Consumer Healthcare  
**AGENCY:** Norris Lincoln Adcom  
**Date:** 26 April 2006  
**Media:** Television  
**No of complaints:** 1

**COMPLAINT:**

A TV ad for Pfizer ChoLESSterol said "You may be controlling your diabetes and your blood pressure as well as your blood glucose and your weight. But now leading UK heart doctors recommend that your cholesterol should be four or below. Otherwise, you are increasing your risk of heart disease or stroke. ChoLESSterol can help. Call 0800 ... for your free booklet about diabetes, cholesterol and what to do next." As each condition was mentioned, a tick appeared in a square box beside it.

A viewer complained that the ad was misleading because for most people a cholesterol level of up to five was acceptable. She said that a booklet published by the British Heart Foundation stated that level and her GP had confirmed it.

**ADJUDICATION:** Complaint not upheld

The Broadcast Advertising Clearance Centre (BACC) said that the latest medical opinion (as given by the Joint British Societies, representing the British Cardiac Society, the British Hypertension Society, Diabetes UK, Heart UK, the Primary Care Cardiovascular Society and The Stroke Association) was that those at high risk of cardiovascular disease should maintain a cholesterol level of four or below. The BACC believed that by referring to the control of diabetes, blood pressure, blood glucose and weight the ad made it sufficiently clear that the advice was only relevant to those groups.

Norris Lincoln Adcom endorsed this. They said the ad was for a disease awareness campaign rather than a product. They said that the British Heart Foundation's (BHF) advice was directed at the population at large and so a level of five was appropriate, but that the BHF's website provided a link to Heart UK's website, one of the groups contributing to the new guidelines that advised the level of four or below for high risk groups.

The ASA noted that the advice to maintain cholesterol levels to four or below was aimed at high risk groups and considered that the ad was sufficiently clearly targeted at the groups which it listed. We considered that the general population was unlikely to understand from the ad that they too were advised to maintain a cholesterol level of four or below.

We investigated the ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.1 (Evidence) and 5.2.3 (Qualifications) but did not find it in breach.

**ADVERTISER:** Reckitt Benckiser (UK) Ltd t/a Calgon  
**AGENCY:** Euro RSCG London  
**Date:** 26 April 2006  
**Media:** Television  
**No. of complaints:** 2

**COMPLAINT:**

A TV ad for Calgon water softener said "Did you know 60 per cent of the UK is affected by hard water? Including where you live in the Midlands. It's what causes limescale build-up like this. And it can do even more damage to your washing machine because as much as 10 lbs of it passes through your machine a year. In fact, it causes 800 machines to stop working every day. So what could stop yours being next? Calgon."

1. Two viewers disputed the claim that the Midlands was a hard water area, as this was not true where they lived in Leominster and Birmingham. They believed the ad could have encouraged viewers to buy a product they did not need.
2. The ASA queried the basis of the claim that 800 washing machines broke down every day because of limescale build up.

**ADJUDICATION:**

1. Complaints upheld

The Broadcast Advertising Clearance Centre (BACC) said the claim "Did you know 60 per cent of the UK is affected by hard water, including where you live in the Midlands ..." was ambiguous as it could be understood to mean that 60 per cent of the Midlands was affected by hard water. Nonetheless, they pointed out Welsh Water had confirmed the Midlands was a hard water area.

Calgon said they had been assured by Welsh Water that the Midlands had a mix of very hard water and medium hard water, and was therefore classified as a hard water area. Calgon acknowledged, however, that the water hardness varied in some parts of the region. They said they would add text to the ad to clarify the situation.

The ASA understood that the Midlands was generally regarded as a hard water area but contained pockets of soft water. We considered the ad implied the whole region had a problem with hard water. It therefore gave a misleading impression of the possible consequences of limescale on washing machines in the Midlands area and might encourage viewers to buy a product that was not necessary where they lived.

2. Upheld

The BACC said they had been supplied with adequate substantiation to back the claim of 800 washing machine breakdowns per day due to limescale build up.

Calgon said the claim was based on a quantitative study by a research agency. They explained the objectives, methodology used and a breakdown of the results.

We noted the research was based on a sample of households which had experienced washing machine breakdowns and also engineers with the technical knowledge to judge the cause of the problems. We understood that the methodology used in the study was generally accepted for this type of research. However, as the research was based on sample groups, it could not verify the specific claim in the ad that 800 washing machines broke down every day. We considered the absolute claim had not been adequately substantiated.

The ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising), 5.2.1 (Evidence), 5.2.2 (Implications), and 5.2.3 (Qualifications). It should not be shown again in its current form.

**ADVERTISER:** TUI UK Ltd t/a Thomson Holidays  
**AGENCY:** DDB London Ltd  
**Date:** 26 April 2006  
**Media:** Television  
**No. of complaints:** 2

**COMPLAINT:**

TV and press advertising for Thomson Holidays claimed "Web prices, on the high street".

The press advertising also said "Save up to an extra £100 per couple". Small print said "Save up to an extra £100 per booking applies to an overseas brochured Thomson holiday or cruise and is conditional upon two adults booking with a minimum £1000 booking value."

1. A viewer and a competitor (My Travel) complained the ads were misleading as Thomson Holidays did not offer the same prices on the high street as their web site. My Travel provided evidence in the form of a mystery shopping exercise they carried out which showed that the published prices were higher on the high street.
2. My Travel also said the claim "Save up to an extra £100 per couple" was misleading because it implied the saving would be on top of the web price-match policy which they believed was not the case.

**ADJUDICATION:**

1. Complaints not upheld

The Broadcast Advertising Clearance Centre (BACC) said they approved the claim "Web prices, on the high street" after seeking assurances from DDB London that customers would be able to get every deal available on the Thomson Holidays web site through Thomson Holidays high street stores.

Thomson Holidays said the claim was accurate and that the evidence provided by My Travel showed that their stores were in fact matching the prices offered on the web site. They said they had set up a system to ensure that all of the 3.3 million holidays available in the promotional period were published at the same price regardless of whether they were available to be booked on the web or the high street. They said that, in the event of a rare discrepancy between the published prices, they had sent out a detailed price-match policy to all stores to ensure that they would match a web price if they saw evidence of it. They said this would have to be taken from the very final transaction page of the web site booking to ensure an accurate comparison. They provided us with the information they had sent to all stores detailing how they should operate the discount which made clear that high street prices should match web prices in every case, not just when it was asked for.

The ASA noted that the evidence from My Travel indicated a number of occasions when the published prices between the web and the high street were not the same. However, in almost all cases the store had revised their price to match the web site. In the few cases

where the revised price did not match the web price, insurance had been offered in place of a further discount. We recognised that, because of the size of the promotion, there were likely to be occasions where discrepancies occurred between the published web and store prices. However, we accepted that Thomson Holidays's policy was to match the published prices of both the web and the high street and consumers were therefore generally getting web prices on the high street. We did not consider that the examples provided by My Travel undermined the legitimacy of the claim and therefore did not find the ads misleading.

## 2. Complaint not upheld

Thomson Holidays said they offered an additional up to £100 off the final price for couples who met the terms and conditions and the up to £100 was therefore additional to the price-match policy. They said this further discount was available through all their selling channels including the web, the high street and call centres.

We accepted that Thomson Holidays discounted the final price of their holidays by up to a further £100 to couples who met the terms and conditions. We did not receive any evidence to show that this was not the case and therefore did not consider the claim misleading.

We investigated the TV ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising) and 5.2.1 (Evidence) but did not find it in breach.

We investigated the press ad under CAP Code clauses 3.1 (Substantiation), 7.1 (Truthfulness), 15.4 (Prices) and 19.1 (Other comparisons) but did not find it in breach.

