

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Teresa Kapp
Advertiser	GlaxoSmithKline Consumer Healthcare South Africa (Pty) Ltd
Consumer/Competitor	Consumer complaint
File reference	807 - Sensodyne - Teresa Kapp
Outcome	Dismissed
Date	10 June 2020

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged against the new Sensodyne Sensitivity and Gum toothpaste advertisement. The television commercial was flighted on VUZU HD.

Description of the advertising

The commercial features a dentist in his surgery, and he states the following:

“Many people with sensitivity have a gum problem they’re not aware of and that concerns me. I will definitely be recommending the new Sensodyne Sensitivity and Gum. It helps reduce sensitivity and will improve their gum health. It’s addressing two big issues that come into my surgery every day in one product.”

The commercial also shows the product packaging which displays the following:

“Sensitivity & Gum

Improves Gum Health”.

Complaint

The Complainant submitted that the Advertiser previously used a longer version of the commercial in question, and the original version described how sensitivity is an indication of an underlying issue that requires medical attention by a dentist. She submitted that the long version was honest but the short version does not inform the viewer that sensitivity is indicative of an underlying problem. She argued that the edited version is misleading, dishonest and unethical as viewers may think that Sensodyne is a cure, while it only dulls the pain caused by a regressive condition such as gingivitis or decay. She also argued that using the product will only cause the person to delay seeking professional help, which is harmful.

Response

The Respondent made a comparison of the long version and short version of the commercial, and noted that the script of the long version of the advertisement states the following:

“Many people with sensitivity have a gum problem they are not aware of and that concerns me. I always see both problems going hand in hand. They have short, sharp sensation when they’re eating, drinking. And gum problems don’t solve themselves. They need to address both issues. I will definitely be recommending new Sensodyne Sensitivity and Gum. It helps reduce sensitivity and will improve their gum health. It’s great to have a dual action toothpaste because it addresses two issues that come into my surgery every day- in one product.”

The Respondent argued that by comparing the two versions of the advertisement, one notes that the claim being communicated is retained, i.e. the product “helps reduce sensitivity and will improve their gum health.” It also submitted that this message is consistent with the claim on the packaging of the product, which was also approved by the Cosmetic, Toiletry & Fragrance Association of South Africa.

The Respondent argued that the claim is not misleading because it clearly stipulates that the product helps reduce sensitivity and will improve their gum health. It submitted that nowhere in the message does it claim that the product is a cure nor is that inferred in the script. Furthermore, the advertisement does not say anything which implies that

all underlying issues must be attended to by a dentist, as mentioned by the Complainant. Rather, the essence of the message is reduction of sensitivity and improvement of gum health.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

- Clause 2 of Section II (Honesty);
- Clause 4.2.1 of Section II (Misleading).

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

Clause 2 of Section II provides that “advertisements should not be so framed as to abuse the trust of the consumer or exploit their lack of experience, knowledge or credulity.”

Clause 4.2.1 of Section II states: “Advertisements should not contain any statement or visual presentation which, directly or by implication, omission, ambiguity, inaccuracy, exaggerated claim or otherwise, is likely to mislead the consumer.”

The Complainant is of the view that the edited advertisement is misleading and dishonest as it does not inform viewers that sensitivity is a result of underlying causes, therefore inferring that the toothpaste can *cure* sensitivity. The Respondent denied this and submitted that the communication in the edited version is consistent with the original version.

The key question before the Directorate is whether or not the advertisement in question is likely to mislead consumers into believing that the product will cure the underlying problem causing sensitivity.

The Directorate notes that the dentist in the advertisement states: *“Many people with sensitivity have a gum problem they are not aware of and that concerns me”* (our emphasis). The Directorate is of the view that this is the important communication of the advertisement as it relates to the complaint. The hypothetical reasonable viewer will

realise that the sensitivity is caused by an underlying gum problem. The two advertisements, although not identical, both communicate that sensitivity is as a result of underlying problems that patients are not aware of.

There is nothing in the advertisement that claims or infers that the toothpaste is a cure for gum problems and sensitivity. The dentist specifically states that *"I will definitely be recommending new Sensodyne Sensitivity and Gum. It helps reduce sensitivity and will improve their gum health"* (our emphasis). The words "improve" and "reduce" do not mean "cure" in this context. In addition, a reasonable person would instinctively understand that the toothpaste is not a replacement for seeking professional assistance. There is also nothing in advertisement that discourages people from going to dentists for dental assistance, and the claim is in fact set in the context of a dental surgery and a dentist – emphasising that this is a matter for professional treatment and opinion.

It is in this context that the Directorate finds that the communication in the advertisement is neither dishonest nor misleading as alleged by the Complainant.

Accordingly, the commercial is not in contravention of Clause 4.2.1 or Clause 2 of Section II of the Code.