

COMPLAINT NUMBER	17/375
COMPLAINANT	D Scholfield
ADVERTISER	Colgate-Palmolive PTY Ltd
ADVERTISEMENT	Colgate-Palmolive PTY Ltd, Television
DATE OF MEETING	14 November 2017
OUTCOME	Not Upheld

SUMMARY

The television advertisement for Colgate-Palmolive's "Bright Smiles Bright Futures" programme showed a small part of a vintage television advertisement which featured "Mrs Marsh" and some school children. Mrs Marsh dips a piece of chalk into coloured water and snaps it in half. She said, in part: "gets right into the enamel...like this liquid gets into this chalk".

The Complainant said the advertisement was misleading because it suggested that "Fluoride gets into teeth, which is factually incorrect." The Complainant said the depiction of coloured water penetrating chalk gave a misleading impression that fluoride can penetrate teeth.

The Advertiser provided substantiation to support the implied claim that fluoride ions can penetrate tooth enamel which helps strengthen the tooth enamel.

The Complaints Board said the advertisement illustrated that fluoride can penetrate tooth enamel through the chalk demonstration which was supported by the information provided by the Advertiser. The Complaints Board said the advertisement was not misleading and had been prepared with a due sense of social responsibility to consumers and society. The Complaints Board ruled the advertisement was not in breach of basic Principle 4 of the Code of Ethics.

The Complaints Board ruled the complaint was Not Upheld

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

Preliminary matter: The Complaints Board noted the Advertiser had been asked to respond to the complaint under the Code of Ethics and the Therapeutic and Health Advertising Code. The Complaints Board said that the claims made in the advertisement did not meet the definition of a therapeutic purpose in the Therapeutic and Health Advertising Code and therefore, it did not apply to the advertisement before it.

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 of the Code of Ethics which required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and society.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant said the advertisement was misleading because it suggested that “Fluoride gets into teeth, which is factually incorrect.” The Complainant said the depiction of coloured water penetrating chalk gave a misleading impression that fluoride can penetrate teeth.

The response from Advertiser, Colgate-Palmolive Ltd

The Advertiser responded to the concerns raised by the Complainant, stating in part: “The Chalk Demonstration is an obvious metaphor and easy-to-understand visual representation of how fluoride penetrates the outer layers of tooth enamel to help strengthen the tooth enamel.

...It is well-accepted by the scientific and dental communities that fluoride penetrates and is incorporated into the enamel, fortifying the enamel and making it more resistant to cavities and acid attacks from the food and drinks we consume.

Structurally tooth enamel is composed of a crystal lattice of hydroxyapatite, $\text{Ca}_{10}(\text{PO}_4)_6(\text{OH})_2$. When fluoride in toothpastes, mouthwashes and gels comes in contact with the tooth enamel, it reacts with calcium ions in the oral environment. This results in the generation of calcium fluoride which is deposited on the enamel surface, namely:



Fluoride ions from this calcium fluoride penetrate the deeper layers of enamel, where the fluoride replaces the hydroxide (OH^-) ion groups (as shown in the chemical reaction above), leading to the formation of stable fluoroapatite. The fluoride ions can penetrate the tooth enamel up to 50 micrometres in depth. Fluoroapatite is more stable than hydroxyapatite, making the enamel more resistant to acid attacks and cavities.”

Response from Media, Commercial Approvals Bureau

The Commercial Approvals Bureau afforded the advertisement a G rating (General Audiences) and deferred to the Advertiser to support the advertisement.

Complaints Board Discussion

The Complaints Board noted the concerns of the Complainant the chalk demonstration used in the advertisement was factually incorrect as it implied fluoride “gets into teeth” when their view was that “fluoride cannot penetrate tooth enamel”.

The Complaints Board noted the Advertiser provided substantiation to support the implied claim that fluoride ions can penetrate tooth enamel which helps strengthen the tooth enamel.

The Complaints Board said the advertisement illustrated that fluoride can penetrate tooth enamel through the chalk demonstration which was supported by the information provided by the Advertiser. The Complaints Board said the advertisement was not misleading and had been prepared with a due sense of social responsibility to consumers and society. The Complaints Board ruled the advertisement was not in breach of basic Principle 4 of the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

Decision: Complaint **Not Upheld****DESCRIPTION OF ADVERTISEMENT**

The television advertisement for Colgates “Bright Smiles Bright Futures” programme showed a small part of a vintage television advertisement which featured “Mrs Marsh” and some school children. Mrs Marsh dips a piece of chalk into coloured water and snapping it in half. She said, in part: “gets right into the enamel...like this liquid gets into this chalk”.

COMPLAINT FROM D SCHOFIELD

The reasons that I found this programme breached the standards:
Colgate suggesting that Fluoride gets into the teeth which is factually incorrect. Item suggests that this is so by showing coloured water penetrating chalk. Whereas, fluoride cannot penetrate tooth enamel.

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

THERAPEUTIC AND HEALTH AND ADVERTISING CODE

Principle 1: Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing.

Principle 2: Advertisements shall be truthful, balanced and not misleading. Advertisements shall not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust, exploit their lack of knowledge or without justifiable reason, play on fear. This includes by implication, omission, ambiguity, exaggerated or unrealistic claim or hyperbole.

RESPONSE FROM ADVERTISER, COLGATE-PALMOLIVE LIMITED

Thank you for your email and letter dated 19 October 2017, which refers to a complaint received by the Advertising Standards Authority on 9 October 2017 from David Schofield (**Complaint**).

Colgate-Palmolive Limited (**Colgate**) provides the following information for the Board’s consideration. Thank you again for providing Colgate with an extension of time to respond until today.

Description of relevant excerpt of advertisement

The advertisement opens by showing a vintage Colgate television commercial being shown to children on a screen in a school classroom. The vintage television commercial features “Mrs Marsh” and some school children. Mrs Marsh says “...gets right into the enamel...” and, after dipping a piece of chalk into purple dye, “...like this liquid gets into this chalk”. Mrs Marsh then breaks the chalk into two to show the children that the very outer layers of the chalk have been penetrated by the purple dye (**Chalk Demonstration**). The Chalk

Demonstration is an obvious metaphor¹ and easy-to-understand visual representation of how fluoride penetrates the outer layers of tooth enamel to help strengthen the tooth enamel. The advertisement then goes on to raise awareness about Colgate's Bright Smiles Bright Futures program, which has helped over 2 million New Zealand children learn the importance of brushing twice daily.

Colgate comments

Colgate takes compliance with advertising laws and codes very seriously and has in place a comprehensive and thorough review process, including detailed review of all advertisements by its Legal, Regulatory, and Consumer Affairs teams.

Having considered this matter in detail, Colgate believes that the advertisement does not breach the *Advertising Code of Ethics (Code)*, Basic Principle 4 and/or Rule 2; or *Therapeutic and Health Advertising Code (THAC)*, Principles 1 and/or 2. These principles are as follows:

Code

1. Basic Principle 4: *All advertisements should be prepared with a due sense of social responsibility to consumers and to society.*
2. Rule 2: *Truthful Presentation – Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).*

THAC

1. Principle 1: *Social Responsibility – Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing.*
2. Principle 2: *Truthful Presentation – Advertisements shall be truthful, balanced and not misleading. Advertisements shall not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust, exploit their lack of knowledge or without justifiable reason, play on fear. This includes by implication, omission, ambiguity, exaggerated or unrealistic claim or hyperbole.*

Basis of Complaint

The Complaint claims that the Chalk Demonstration misrepresents that fluoride penetrates tooth enamel. Mr Schofield says "*Colgate suggesting that Fluoride gets into the teeth, which is factually incorrect. Item suggests that this is so by showing coloured water penetrating chalk. Whereas, fluoride cannot penetrate tooth enamel.*"

Fluoride and tooth enamel

With respect, the Complainant's claims that fluoride cannot penetrate tooth enamel are inaccurate. It is well-accepted by the scientific and dental communities that fluoride penetrates and is incorporated into the enamel, fortifying the enamel and making it more resistant to cavities and acid attacks from the food and drinks we consume².

¹ Mrs Marsh expressly makes it clear that the Chalk Demonstration is a metaphor by use of the word "like" in her narrative.

² Kaličanin, B.M.; Velimirović, D. S. and Pavlović, A.N., Chapter 11 *Teeth-Saliva Migration of Fluoride Ions and Health Implications* from *Fluorine: Chemistry, Analysis, Function and Effects*, Preedy, V. (Ed.); The Royal Society of Chemistry 2015, p 195.

Structurally tooth enamel is composed of a crystal lattice of hydroxyapatite, $\text{Ca}_{10}(\text{PO}_4)_6(\text{OH})_2$ ³. When fluoride in toothpastes, mouthwashes and gels comes in contact with the tooth enamel, it reacts with calcium ions in the oral environment. This results in the generation of calcium fluoride which is deposited on the enamel surface⁴, namely:



Fluoride ions from this calcium fluoride penetrate the deeper layers of enamel, where the fluoride replaces the hydroxide (OH^-) ion groups (as shown in the chemical reaction above), leading to the formation of stable fluoroapatite⁵. The fluoride ions can penetrate the tooth enamel up to 50 micrometres in depth⁶. Fluoroapatite is more stable than hydroxyapatite, making the enamel more resistant to acid attacks and cavities⁷.

Accordingly the Chalk Demonstration and representation that fluoride penetrates tooth enamel are accurate and not misleading. Colgate submits that there has been no breach of the *Advertising Code of Ethics (Code)*, Basic Principle 4 and/or Rule 2; or *Therapeutic and Health Advertising Code (THAC)*.

Advertising Agency and Media Buyer

The advertising agency and media buyer is Level 5, Hope Gibbons Building. 7-11 Dixon Road, Wellington.

We trust that the above information addresses all of the matters raised in the Complaint and will assist the Board in its determination. However, please do not hesitate to contact me should you require further information or clarification.

RESPONSE FROM MEDIA, -COMMERCIAL APPROVALS BUREAU

COLGATE TELEVISION ADVERTISEMENT

COMPLAINT: 17/375 KEY: SCPO0712T1 30N RATING: G

We have been asked to respond to this complaint under the following codes:

Code of Ethics – Basic Principle 4, Rule 2;

Therapeutic and Health Advertising Code 1 and 2;

CAB approved this Colgate commercial on 07/07/17 with a G classification. Under CAB's internal procedures, the commercial is categorised as a Cosmetics/Toiletries advertisement.

The complainant's description of the ad claims that Colgate suggests, "fluoride gets into teeth." This claim is not explicated within the advertisement itself, and may only be inferred from the opening stock footage.

With regards to the composition and efficacy of the Colgate product, CAB will defer to the advertiser for their own detailed response.

³ Ibid, p 188.

⁴ Ibid, p 195.

⁵ Ibid, p 195.

⁶ Ibid, p 195; and Mellberg JR, *Caries Research*; 17 (suppl 1); 102-118,1983.

⁷ Kaličanin, B.M., op cit, p 195.