

COMPLAINT NUMBER	18/400
COMPLAINANT	D. Thompson
ADVERTISER	Red Seal
ADVERTISEMENT	Red Seal Television
DATE OF MEETING	27 November 2018
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Red Seal has a voiceover saying “The average New Zealander spends more than 24 hours a year brushing their teeth. In that time they use over a kilo of toothpaste. If you’re wondering what that looks like, it’s this much...” An image of a kilo worth of toothpaste on a dinner plate was then shown. The voiceover continues “...When you put it that way it’s pretty important your toothpaste doesn’t contain any toxins or parabens, with no artificial colours, flavours or preservatives, and no added fluoride. Red Seal is the natural choice...”

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, D. Thompson, said: The ad showed a dining plate with a knife and fork with 1kg of toothpaste on it, indicating that toothpaste is something that is eaten or consumed rather than expelled after cleaning as the Red Seal toothpaste pack states. This would lead a consumer to believe that they should choose Red Seal toothpaste because it is healthier to eat than other brands.

The relevant provisions were Therapeutic and Health Advertising Code - Principle 1, Principle 2; Therapeutic and Health Advertising Code - Principle 1, Principle 2.

The Chair noted the Complainant’s concerns the use of a dining plate with a knife and fork with 1kg of toothpaste on it indicates that toothpaste is something that is consumed rather than expelled after cleaning, leading the consumer to believe Red Seal toothpaste is healthier than other brands.

The Chair said, the general consumer takeout was likely to be that the advertisement was promoting the oral health benefits of the product’s natural ingredients in a visual way. The Chair said the use of familiar items like a dining plate and cutlery was designed to help the viewer gain a better idea of the amount of toothpaste the average person uses per year, rather than suggesting that toothpaste is eaten or consumed.

Regarding the suggestion that Red Seal toothpaste is healthier than other brands, the Chair referred to a precedent decision 17/251 which was ruled Not Upheld by the Complaints Board. In that decision the Complainant said the radio advertisement for Red Seal toothpaste breached the Therapeutic and Health Advertising Code because the toothpaste did not contain fluoride and as such the Advertiser should not be making claims about the oral health benefits of its products. The advertisement described Red Seal toothpaste as paraben free with natural ingredients for healthy teeth, gums and fresh breath.

The Complaints Board agreed that the statements made by the advertiser were low-level claims and that it had provided sufficient substantiation to support the oral health benefit claims of its natural ingredients.

The Chair said the above Decision was directly applicable to the complaint before her. The Chair ruled the advertisement was not in breach of Principle 1 or 2 of the Therapeutic and Health Advertising Code.

Accordingly, the Chair ruled the complaint had no grounds to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.