

COMPLAINT NUMBER	20/152
ADVERTISER	Wet & Forget Limited
ADVERTISEMENT	Wet & Forget Television
DATE OF MEETING	12 May 2020
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for Wet & Forget sanitiser. The Board said the advertisement promoted the sale of a cleaning product and did not encourage an unsafe practice or undermine the health and well-being of individuals.

Description of Advertisement

The voiceover for the television advertisement for Wet & Forget, an indoor hard surface sanitiser, says the following: “There’s never been a better time to be conscious of cleanliness and sanitisation around the home and workplace. Here at Wet & Forget we have an incredible product by the name of Wet & Forget indoor. It kills 99.9% of bacteria and viruses...Help protect your family against bacteria and viruses. This product can only be purchased online at wetandforget.co.nz. Limited to two per customer.”

Summary of the Complaint

There were three complaints about this advertisement. The first Complainant said the advertisement was inaccurate as the product cannot kill 99% of viruses, and this plays on people’s fear of COVID-19. The second Complainant said the advertisement was exploitative and possibly deceptive. This is because it could be seen to be exploiting people’s fear of COVID-19 and giving people a false sense of security. The third Complainant said the advertisement was false advertising that was taking advantage of the present situation.

Issues Raised:

- Social Responsibility
- Safety
- Health and well-being

Summary of the Advertiser’s Response

The Advertiser defended the complaint and said the product is registered as a disinfectant and has been pre-approved by the EPA (the USA’s Environmental Protection Agency) for use against “emerging enveloped viral pathogens” and can be used during the COVID-19 outbreak.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (e) Safety: Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

Rule 1 (h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to a precedent decision, 09/300, which was Not Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 09/300 concerned a television advertisement for Dettol Disinfectant Spray. The voice-over said: "Sometimes the ones you love don't know that they could be carrying cold and flu viruses home. Fact: Some viruses can live on surfaces for days. Dettol disinfectant spray is specifically formulated to kill 99.9% of germs, such as the influenza virus and rhinovirus, a leading cause of the common cold ...".

The Complaints Board was unanimous in its view that the advertisement was not misleading, did not play on fear and had been prepared with a due sense of social responsibility. The Complaints Board noted the implication that the advertisement played on fear during a period when there had been worldwide concern about the H1N1 epidemic (Swine Flu). The Board also noted the Advertiser's advice that the advertisement had been adapted to run "during the Southern Hemisphere winter as a seasonal creative and not in response to swine flu".

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout of the advertisement was Wet & Forget kills 99.9% of bacteria and viruses, so it's a good product to use during the COVID-19 pandemic.

Product

The Complaints Board noted that Wet & Forget is a disinfectant which has approval from the EPA. The Complaints Board noted the advertisement did not claim that the product is superior to other products.

Does the advertisement encourage an unsafe practice?

The Complaints Board said the advertisement did not encourage an unsafe practice or encourage a disregard for safety. The Board said the advertisement promoted the sale of a cleaning product.

The Complaints Board said that during the COVID-19 pandemic the New Zealand Government had been encouraging New Zealanders to maintain high standards of hygiene and to “regularly disinfect surfaces”¹. The Board noted that the last shot in the advertisement referred to the New Zealand Government’s COVID-19 colours, by having yellow and white stripes in the background, across the top third of the screen.

The Complaints Board said while the advertisement included the text “Wet & Forget Indoor. It kills 99.9% of bacteria and viruses...Help protect your family against bacteria and viruses...” it did not suggest that consumers would avoid all risk of contracting COVID-19 if they use this product.

Does the advertisement undermine the health and well-being of individuals?

The Complaints Board said the advertisement did not undermine the health and well-being of individuals. The Board acknowledged that while the COVID-19 pandemic has been frightening for some people, this advertisement did not exploit this fear. Rather it provided information about a product that can be used to help disinfect indoor hard surfaces, a practice which was encouraged by the New Zealand Government.

Is the advertisement socially responsible?

The Complaints Board said the advertisement did not make socially irresponsible misleading claims. The product advertised had overseas approval to promote it as a disinfectant against emerging viral pathogens and to make claims about its efficacy. The Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1, Rule 1(e) or Rule 1(h) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required

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 calendar days of receipt of this decision.

¹ Covid19.govt.nz – Unite against Covid-19

APPENDICES

1. Complaints
 2. Response from Advertiser
 3. Response from Media
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Appendix 1

THREE COMPLAINTS

Complaint 1

Advertiser: Wet n forget Product/Service Type: Ad Type: Television Ad Details: Tvnz2 Selling houses australia 2020-04-16 12.50 Complaint Details:

As wet for wet n forget indoors claims it can kill 99% of germs and viruses. It cannot kill 99% of viruses, this is a clear play on people's fear of Covid19. Its inaccurate and immoral

Complaint 2

Advertiser: Tv 1 Wet and forget cleaner and virus destroyer Therapeutic Product/Service Type: Health Service Ad Type: Television Ad Details: 1 2020-04-17 6.45pm Complaint Details:

The indoor wet and forget product claims to kill 99% of all household germs including viruses My concern is that in the middle of a worldwide pandemic that kills The promoters could be seen to be exploiting people's feat of covid 19 thinking that this product would kill this virus .with such a highly claimed success rate when if the product has not been rigiously tested it would give a false sense of security..

I think this add is highly exploitive and possibly very deceptive and dangerous.

Complaint 3

I am writing to complain about the Wet & Forget add on TV regarding the statements that are made, it may be a sanitiser but it will NOT stop any VIRUS false advertising. I cannot believe anyone could take advantage of a situation also saying limit of two per person which makes it sound like they can't keep up with demand.

Appendix 2

RESPONSE FROM ADVERTISER, WET & FORGET

We act for Wet & Forget Limited. We refer to your letter dated 21 April 2020 in relation to complaints concerning our client's advertisement. Our client wishes to defend the complaint.

We understand the complaints relate to our client's advertisement which says that the Wet and Forget Indoor disinfectant ("our client's product") kills 99.9% of (bacteria and) viruses ("our client's statement"). General details on our client's advertisement and target audience are provided in a schedule to this response, marked and annexed as "Schedule 1". A copy of the script is annexed and marked as "Schedule 2".

Our client's statement is not untrue and we do not agree that our client's advertisement has encouraged or condoned dangerous, illegal or unsafe practices, or portrayed situations which encourage or condone a disregard for safety or undermined the health and well-being of individuals, contrary to Advertising Standards Code – Principle 1, Rules 1(e) and 1(h).

Our client's product is listed as one of the products in compliance with the United States Environmental Protection Agency (EPA)'s Emerging Viral Pathogen Guidance for Antimicrobial Pesticides ("EPA Guideline") in a publication by the American Chemistry Council's Center for Biocide Chemistries. It is one of the products which have been pre-approved by the EPA for use against emerging enveloped viral pathogens and can be used during the current novel coronavirus COVID-19 outbreak. Copies of the list compiled by the American Chemistry Council's Center for Biocide Chemistries and the EPA Guideline are annexed and marked as "Schedule 3" and "Schedule 4" respectively. Our client's product is listed on page 4 of Schedule 3, which has been highlighted for your reference.

The relevant sections in the EPA Guideline have been highlighted for your reference. In summary, the EPA Guideline provides guidance on a two-step process that can be used to identify effective disinfectant products for use against emerging viral pathogens and to permit registrants to make limited claims of their product's efficacy against such pathogens. As part of the registration process, EPA evaluates the product efficacy to ensure health label claims are accurate.

The first stage involves registrants with eligible disinfectant products submitting a request to the EPA allowing the registrant to make some claims with respect to their product's effectiveness against pathogens that have been deemed emerging pathogens by the Centers for Disease Control and Prevention ("CDC") and for which the CDC has identified surface disinfection as a potential method to control spread.

To be eligible, the product must be an EPA-registered, hospital/healthcare or broad-spectrum disinfectant with directions for use on hard, porous or non-porous surfaces. The product label should have disinfectant efficacy claims against at least one of the following viral pathogen groupings:

- a) A product should be approved by EPA to inactivate at least one large or one small non-enveloped virus to be eligible for use against an enveloped emerging viral pathogen.
- b) A product should be approved by EPA to inactivate at least one small, non-enveloped virus to be eligible for use against a large, non-enveloped emerging viral pathogen.
- c) A product should be approved by EPA to inactivate at least two small, non-enveloped viruses with each from a different viral family to be eligible for use against a small, non-enveloped emerging viral pathogen.

The above is relevant as it demonstrates that disinfectant products that comply with the EPA Guideline must have the ability to kill viruses. Our client's product has gone through the evaluation process to confirm it is an eligible product and is currently registered with the EPA. Our client's product's EPA registration number is highlighted as appropriate in Schedule 2. Our client's product's registration with the EPA and inclusion in the list produced by American Chemistry Council's Center for Biocide Chemistries, together with the EPA Guideline, proves that our client's product kills viruses and accordingly our client's statement is not untrue.

In the second stage, being in the event of an outbreak, companies with pre-approved products can make off-label claims for use against the outbreak virus. Off-label claims include a statement to that effect in non-label related websites, consumer information services and social media sites. The EPA has activated the EPA Guideline and the second stage is currently in force so companies with pre-approved products, which our client is as outlined above, are allowed to make off-label claims.

Furthermore, our client's product is not simply an antibacterial product. It has been classified and registered as a disinfectant. A disinfectant is defined as a chemical agent which reduces the number of microorganisms present either by removing or destroying them. Microorganisms include, in particular, bacteria and viruses. As mentioned above, our client's product has been registered with the EPA as a disinfectant so our client's statement is not untrue.

In light of the above, we do not agree that our client's advertisement has encouraged or condoned dangerous, illegal or unsafe practices, or portrayed situations which encourage or condone a disregard for safety or undermined the health and well-being of individuals, contrary to Advertising Standards Code – Principle 1, Rules 1(e) and 1(h).

SCHEDULE 1

1. Accessibility of the advertisement

WC 12th April – 30th May 2020 – TVNZ, Mediaworks, HGTV, CHOICE, SKY

2. Media where the advertisement is placed - TV

3. For broadcast advertisements:

- (a) Copy of the script – please see Schedule 2
- (b) Copy of the media schedule and spot list – please see Schedule 5
- (c) CAB key number and rating:

Key Number	CAB Number	Classification
WF 30 20 WFI	00409069	G
WF 30 20 WFIR	00417009	G
WF 15 20 WFIR	00417010	G

4. Target audience - AP 40-64

5. Tools and/or data used to target this audience - Nielsen Arianna, TV Maps

Appendix 3

RESPONSE FROM COMMERCIAL APPROVALS BUREAU

RE: Complaint 20/152 Wet & Forget Key number WF 30 20WFI Classification G

We have been asked to respond to three complaints regarding the social responsibility of exaggerating this product's benefit for the wellbeing of consumers.

In this current Covid-19 pandemic consumers are repeatedly being advised by the Government of the importance of a rigorous hygiene regime in all areas of our environment. We are constantly being reminded to wash our hands with soap and water for 20 seconds before drying to kill the virus, and to regularly wipe surfaces our hands may contact.

This Wet & Forget Indoor product is for use on all touch surfaces. If the instructions for use are followed and after spraying the product is left for 10 minutes before wiping then 99% of bacteria and viruses can be killed.

Each one of us must take responsibility by being extra vigilant in cleansing and sanitising all touch surfaces of our homes and work environments and this product is a convenient and effective way of doing so.

Before our approval CAB was provided with documentation dated 8th April 2020 from the American Chemistry Council verifying approval of this product for use against emerging enveloped viral pathogens and its suitability for use during the Covid-10 outbreak.

There was never any intention to induce panic with the screening of this advertisement.

We do not believe the complaints should be upheld