

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Colgate Palmolive (Pty) Ltd
Advertiser	GlaxoSmithKline Consumer Healthcare South Africa (Pty) Ltd
Consumer/Competitor	Competitor
File reference	Sensodyne Sensitivity & Gum / Colgate Palmolive
Outcome	Undertaking
Date	6 August 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Colgate Palmolive against GlaxoSmithKline packaging of its Sensodyne Sensitivity & Gum and Sensodyne Sensitivity & Gum Whitening products.

Description of the advertising

The back label for both products features, *inter alia*, the following claims –

- “... Gum problems are caused by a build-up of plaque bacteria ...”;
- “... Targets & removes plaque bacteria ...”;
- “... Targets and removes plaque bacteria, to help reduce gum problems”.

Complaint

In essence, the Complainant submits that as the products are cosmetics and not medicine, they cannot make antibacterial claims.

The Complainant addressed the Directorate in detail on this argument. However, given the response, it is unnecessary for us to canvas that argument for the purposes of issuing a decision.

Response

The Advertiser responded and explained the various review processes that it undertook before publishing these claims, including requesting an opinion from the CTFA.

However, it submitted that it will amend the claims in question and submit them to the CTFA for review and approval. In addition, it is prepared to submit the revised packaging to the ARB for approval.

It undertook to cease publication of the claims in dispute within three months from the date of the ARB's decision.

Application of the Code of Advertising Practice

The following clause(s) were considered in this matter:

Unacceptable claims - Clause 5 of Appendix B (Cosmetics, fragrances and toiletries)

Decision

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

The main objective of the Advertising Regulatory Board is to protect consumers from advertising that contravenes the Code of Advertising Practice. In the vast majority of instances where advertising is found to contravene the Code, the ARB will require the advertising to be withdrawn or amended.

In this matter, the Advertiser has undertaken to amend the advertising in a manner that appears to address the complaint at hand, and has undertaken to do so within the deadlines specified in the Code.

The ARB Directorate is satisfied that the withdrawal by the Advertiser is unequivocal and addresses the complaint before it, and therefore accepts this undertaking in resolution of the matter. However, the Directorate also notes that the Advertiser was afforded an extension to respond to the complaint, and so in terms of Clause 8.2.2.5 of the Procedural Guide, the period in which the Advertiser must stop distribution of packaging with the disputed claims is reduced by one week. Accordingly, the deadline for stopping dissemination of packaging with the claims into the market is 2 months and three weeks.

Finally, it is noted that the ARB does not provide prepublication advice at this time.