



Why Companies Must Properly Substantiate Sensory Claims

Reckitt Benckiser, LLC (RB), the maker of Air Wick brand air-freshening products, competes with Glade brand air fresheners, made by S.C. Johnson & Son (SCJ). In the BBB National Programs, National Advertising Division (NAD), RB challenged claims made by SCJ in online and social media advertising, including claims that compared Glade to Air Wick as well as non-comparative claims.

The comparative claims at issue included statements that Glade products lasted 50% longer than older Glade models, provided a more authentic lavender scent than Air Wick lavender products, represented the most adjustable air fragrance warmer, and offered an authentic fragrance that adjusts to any room size. SCJ explicitly referenced Air Wick in its advertising, including statements such as “More authentic lavender than Air Wick,” “More authentic lavender than Air Wick versus Air Wick Lavender & Chamomile,” and “Experience a more authentic lavender fragrance versus Air Wick Lavender & Chamomile.”

Comparative Claims or Puffery?

The NAD distinguished between actionable comparative claims and non-actionable puffery. Puffery includes statements that are unprovable or unverifiable, and cannot serve as the basis for a false advertising claim. Statements including “Redesigned for a superior fragrance experience” and “True fragrance, crafted only by Glade” were determined to be non-actionable puffery.

The NAD found that the statement “Experience a more authentic lavender” was an objective comparative claim. This statement could communicate to a consumer that Glade’s lavender scent is more intense or contains a higher quantity of lavender components than Air Wick’s, and therefore, it required sensory research comparing both products to a lavender standard.

Sensory Claim Substantiation

SCJ conducted a consumer perception survey to measure how respondents perceived the authenticity of Glade's lavender scent, thereby substantiating its sensory claims. The NAD determined that the survey was insufficient because it focused only on consumer perception and did not measure how closely each product's scent matched that of real lavender.

Additionally, the NAD addressed claims regarding product adjustability, finding that statements such as "the most adjustable" and "the ability to adjust to any room size" were misleading when presented alongside a house icon. SCJ did provide a reasonable basis for the claim that the fragrance lasts up to 50% longer.

Regulatory Outcome and Key Lessons

The NAD recommended that SCJ discontinue or modify its comparative claims of lavender authenticity. This outcome underscores the importance of properly substantiating sensory claims with reliable research. To avoid costly regulatory challenges, companies must ensure that sensory testing directly supports the specific claims being made.

Sensory Research You Can Rely On

Trust IMS Legal Strategies to conduct sensory research that meets industry standards and delivers the insights needed to strengthen your brand's competitive position. Reach out to contactus@imslegal.com today to discuss how our sensory research experts can support your marketing and compliance strategies.

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