Combined Comparatives: Cause for Concern

Claims presented in the format previously described have been generally accepted as obvious parity comparisons by the advertising industry. Recently, however, such statements appear in the presence of other advertising claims that encourage consumers to infer comparative superiority when it cannot be substantiated by the advertiser.

Recognizing the potential damage to their brands, advertisers are now challenging the complex and ambiguous linguistic constructions used to make parity claims. NAD has also recognized the seriousness of this problem. In a recent decision, the NAD stated that such claims raise "serious questions with respect to the treatment of parity claims by the courts, state and federal regulators," but conceded that theirs was not an appropriate forum to evaluate what they consider to be a much larger issue. This statement seems to suggest the need for involvement by the appropriate government agencies in examining these claims. To date, no FTC case has specifically addressed this issue, even though these claims certainly have the potential to mislead consumers to their detriment. For instance, most of the complaints made to NAD involving this form of parity claim are for health-related products.

Upcoming chapters will review issues of language and information processing relevant to understanding implied superiority claims and combined comparatives. This review will reveal that no empirical work has directly focused on the linguistic form of complex comparatives as a source of deception. Moreover, no empirical work has

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9 Table 4 presents a summary of NAD decisions involving implied parity claims.