comprehensive reviews of implied claims challenged by FTC and at the Lanham Act courts was undertaken by Preston (1977; 1989b; 1989a; 1994).\textsuperscript{18} His catalog of implications from adjudicated cases is presented in Tables 2 and 3 along with specific case examples of the implied claims.

Among the cases tried in the early 1980s at the FTC, those against the makers of analgesics were particularly noteworthy. The makers of over-the-counter pain relievers relied heavily on implied claims to differentiate their brands in light of minimal product differences. For instance, In American Home Products (1981), the claim that Anacin had more aspirin than other pain relievers was found to falsely suggest superior pain relief.\textsuperscript{19} The FTC also challenged implied superiority claims made by visual elements in this case. The presence of graphs and chemical formulas in the background of the advertisements falsely implied scientific proof for Anacin’s implied efficacy claims. In another case involving analgesics, the makers of Bayer aspirin claimed to have superior manufacturing (e.g., purity, freshness, speed of disintegration), which falsely implied to consumers superior therapeutic qualities.\textsuperscript{20}

One of the most influential cases tried by the FTC was that against Thompson Medical (1984).\textsuperscript{21} Among the issues disputed in Thompson, the FTC argued that the phrase “contains no aspirin” did not eliminate consumers’ perceptions that Aspercreme contained aspirin, as was implied by the product’s name. Claims for Aspercreme were

\textsuperscript{18} With few exceptions, definitions for the implications were generated by Preston and have been named by him rather than by the courts (Preston, 1989b).


\textsuperscript{20} Sterling Drug, 102 F.T.C. at 462 (1983).