deceptive because Thompson did not have scientifically valid tests to substantiate the product’s explicit and implied superior efficacy claims in treating arthritis pain.

Noteworthy among recent cases involving implied claims are the challenges against Kraft Foods, Stouffers Foods and Doan’s Pills. Kraft (1991)\textsuperscript{22} was the first case where consumer surveys were submitted as evidence to challenge materiality (Richards and Preston 1992; Jacoby and Szybillo 1995). The case involved implied claims about the calcium content of Kraft’s “Singles” cheese slices versus the calcium content of its competitors. The advertisements implied that Kraft’s cheese slices were superior because they contained the calcium equivalent of five ounces of milk. In fact, the slices contained only 70\% of the five ounces after some was lost during processing. The advertisement also falsely implied that Kraft’s contained more calcium than “imitation” cheese slices, when in fact the latter were fortified with calcium (Stewart 1995; Jacoby and Szybillo 1995). Survey evidence established the importance of calcium to consumers, and the claims were found to mislead the public (Kent 1991; see Jacoby and Szybillo 1995; Stewart 1995; and Sudman 1995 for a discussion of the survey evidence in Kraft).

The complaint against Stouffer Foods (1994)\textsuperscript{23} involved allegations that advertisements for Lean Cuisine frozen entrees misrepresented their sodium content. Claims of low calories and fat were accompanied by phrases such as “always less than 1 gram of sodium per entrée.” Although a footnote stated in fine print that “entrées are formulated to contain less than 1 gram (1000 milligrams) of sodium,” the Commission found that the overall advertisement did not adequately convey that the standard unit of
