Table 2. Typology of implications challenged by the FTC.

<table>
<thead>
<tr>
<th>Types of Implications</th>
<th>Definition</th>
<th>FTC Sample Cases</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>1) Proof Implication</td>
<td>An explicit or implicit reference to a technical, scientific, or medical test or survey is held to imply falsely that the test or survey proves the claim to a degree acceptable to appropriate experts.</td>
<td>Crown Central Petroleum Corp., 84 F.T.C. (1976)</td>
<td>Cited study claiming “reduction of pollutants in automobile exhaust by as much as 66% of hydrocarbons and 41% of carbon monoxide.” Exact nature of performance claims falsely implies these are results from adequate tests.</td>
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<tr>
<td>1) Explicit claims as to exact performance levels</td>
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<td>2) Explicit reference to existence of substantiating proof</td>
<td>Porter &amp; Dietsch, Inc., 90 F.T.C. 770, 865 (1977)</td>
<td>Claims such as “laboratory science has perfected,” “proven and sound method,” “clinically tested ingredients” falsely implied existence of substantiation, and represented substantiation as competent scientific proof for diet pills</td>
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<td>3) Explicit reference to surveys</td>
<td>Litton Industries, Inc., 97 F.T.C. (1981)</td>
<td>Claims stated that 73% of microwave oven service technicians sampled would recommend its brand. Claim falsely implied that same figure applied to such technicians generally when survey respondents were drawn only from a list of Litton-authorized microwave oven service agencies.</td>
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<td>4) Indirect references to visuals implying existence of tests, and thus of proof</td>
<td>American Home Products Corp., 98 F.T.C. (1981)</td>
<td>• Use of technical graphs and chemical formulas contributed to overall impression that claims of superior efficacy for ANACIN were supported by scientific proof. • Opinions about ANACIN expressed by doctors were held to imply existence of tests, thus of proof.</td>
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<td>2) No Qualification Implication</td>
<td>A claim is broadly stated with no explicit qualification, thus implying falsely that no qualification exists. The explicit claim is generally true, but is less true or untrue for some consumers under some conditions. The implication is that the claim is true generally for all consumers under all conditions.</td>
<td>Firestone Tire &amp; Co., 81 F.T.C. 398, 457 (1972)</td>
<td>Firestone’s use of the phrase “The Safe Tire” implied its tires were safer under all conditions of use. False given that consumer neglect or misuse may lead to unsafe driving conditions.</td>
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