Second, the language and format of combined comparatives may significantly alter consumers’ interpretation of brand information. Several researchers who have reviewed deceptive advertising cases under the Lanham Act suggest that careful selection of language and format proved instrumental in crafting comparative claims that ‘stretched the truth’ (Goldman 1993; Preston 1989b, 1994). The ambiguous wording of some parity claims, in particular, encourages superiority inferences that cannot be substantiated (Harris and Monaco 1978; Preston 1989a, b; Snyder 1989).

Finally, research suggests that consumers have difficulty processing comparative claims (Goodwin and Etgar 1980; Pechmann and Stewart 1990). Consumers report that they have to devote extra effort to avoid confusing the sponsor with the comparison brand, for example. The potential for confusion is greater with combined-comparative claims given the additional brand and attribute information consumers must process. Thus, when the format or language of comparative ads encourages inferences about the sponsor that cannot be objectively supported, combined comparatives may not only confuse but also mislead consumers and harm competitors. (Snyder 1989; Pechmann and Stewart 1990; Pechmann and Ratneshwar 1991; Pechmann 1996).

Legal Challenges to Combined Comparative Claims

Most challenges to combined comparative claims have involved the way in which the parity claims were phrased. While claims such as ‘No brand is better than Brand X’ were generally treated as parity comparisons, they are now being challenged when they appear in the presence of superiority claims or puffery.

In a recent legal challenge under Section 43 (a) of the Lanham Act, American Home Products (AHP) challenged advertisements that included a parity claim for Aleve