Summary

Advertisers use combined comparatives to achieve a clearer positioning of their brands. Within a single ad, a brand can be positioned against several competitors and in relation to various attributes. Take the following examples: “For relief of acid indigestion or heartburn with headache, nothing, not even Pepcid AC or Tagamet HB makes you feel better, faster than Alka Seltzer;” “Nobody, not even Ensure, gives you more protein with less fat than Sustacal;” or “Nothing stops diarrhea faster, not even the AD medicine. Pepto Diarrhea control.” These claims were presented along with other superiority claims and puffery about the sponsor brands.

The problem with such claims is that often one of the claims is unsubstantiated, but the juxtaposition with other claims conveys to consumers unqualified substantiation for all claims in the ad. When advertisers cannot make truthful claims about attributes that are important to consumers, they resort to this copy-writing tactic as a way to avoid making outright false claims (Wyckham 1987). NAD has recognized the potential of this tactic to mislead consumers, stating that such claims raise “serious questions with respect to the treatment of parity claims by the courts, state and federal regulators.” To date, however, no FTC case has specifically addressed this issue, even though these claims have been repeatedly challenged in the courts and at NAD. A number of complaints made to NAD, for instance, involve health-related products (see Table 4). Lack of action against such potentially misleading claims is likely to result in adverse consequences for consumers.