surveys for litigation usually have very large sample sizes, which allow adequate testing of the issues in question even after a number of subjects has been disqualified. The same could not be achieved in the current testing situation.

Another issue worthy of note is the use of control questions in the assessment of deception. Typically, the percentage of the total subjects who have been classified as deceived is reduced by the percentage of those who answered incorrectly to one or more control questions. While the courts accept this method of eliminating subjects, it does not give a precise count of the subjects who were in fact deceived. The individual level analyses conducted for both studies were an attempt to improve upon this practice. Looking at the pattern of subjects’ responses allows a better understanding of the extent to which an ad is deceptive. Different levels of deception can suggest whether corrective measures need to be taken, or whether simple modifications of the ad copy are necessary to prevent misleading inferences.

Future Research

These initial results suggest interesting research avenues involving combined comparative claims. First, the role of prior knowledge and experience with the advertised products and brands should be further explored. Consumers who are familiar with a brand may be less susceptible to framing effects from combined comparatives, for instance. Similarly, the effect of combined comparatives on lesser known versus well-established brands is likely to differ.

The results from the first study suggest that even though subjects fail to recall the offending claims, the influence of such claims may be reflected in the opinions and preference towards the advertised brands. In private litigation, the latter is considered