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ASA Files: It's Not Just What You Say, But How You Say It

by [David Ridley](#)

Infirst has been admonished by UK ad authority, ASA, for implying in a TV commercial its lipid-based ibuprofen brand Flarin was more, or uniquely, effective for joint pain relief than other forms of ibuprofen.

The UK Advertising Standards Authority has upheld a complaint made against UK firm Infirst Ltd for implying its lipid-based ibuprofen brand Flarin was “more, or uniquely, effective for joint pain” than other ibuprofen products.

While both Infirst and the ASA agreed that the content of the ad in question was factually correct, it was the form of the claims presented – the color of the text, the order in which claims were made and the use of voice over – that got Infirst in hot water with the ad regulator, OTC advertising review service provider Advercheck Ltd explains.

Even if “parity claims” are factual and substantiated, and approved by intermediary organizations like UK consumer health industry association, PAGB, and UK ad clearance agency, Clearcast, this ruling indicates that marketers still need to think about the overall effect of an ad on consumers.

Parity Claims

Infirst has been [told by the ASA](#) to remove the ad, which appeared on UK television on 22 October 2023, on the basis that it misled consumers into thinking Flarin was “more, or uniquely, effective for joint pain” than other ibuprofen products.

In its defense, Flarin said that the ad contained two distinct claims, firstly, a “top parity” claim: “For joint pain, no other ibuprofen has been proven to be more effective” and a factual claim: “Only Flarin features lipid lock technology, encasing ibuprofen in lipid oils, which are absorbed in the small intestine.”

The ASA agreed that both of those claims were substantiated. The issue it had, however, was “with whether those claims as presented in the ad, as well as the overall impression created by the ad, would be understood to mean that because of Flarin’s lipid lock technology, Flarin was more, or uniquely, effective for joint pain, which was not the case.”

With regards to the top parity claim – “For joint pain, no other ibuprofen has been proven to be more effective” – the ASA pointed out that, when it appeared in on-screen text, the phrases “joint pain” and “more effective” were in red print, with the remaining text contrasted in blue.

The ASA considered, therefore, that the visual emphasis placed on the words “joint pain” and “more effective” using coloring and animation would lead viewers to consider that Flarin was specifically more effective for joint pain than other ibuprofen products.

“This new ruling shows that advertisers need to be careful not only about the wording of claims, and the evidence they hold, but also need to consider whether the emphasis placed on certain words can change the meaning of an otherwise acceptable claim,” Advercheck Ltd managing director, Lucy Rochford, told HBW Insight.

Mode Of Action Claims

With regards to the factual claim “Only Flarin features lipid lock technology, encasing ibuprofen in lipid oils, which are absorbed in the small intestine,” the ASA felt that because it was succeeded by a voice-over that concluded, “So when joint pain flares, choose Flarin” and followed the top parity claim with its inappropriate emphasis, consumers would understand that the lipid lock technology was linked to the product’s efficacy.

“Advertisers are reminded to carefully consider the positioning of claims,” Rochford advised. “It may be that a claim is well substantiated, but that the likely take-home message can change, depending on the other claims used in the ad. This is, perhaps, particularly true for mode of action claims, as per the example seen here.”