

# CTPA Guide to Advertising Claims

A sell-out seminar on 6 October 2008 saw the launch of the CTPA Guide to Advertising Claims, an indispensable tool for everyone involved in communicating the benefits of innovative cosmetic products to the consumer.

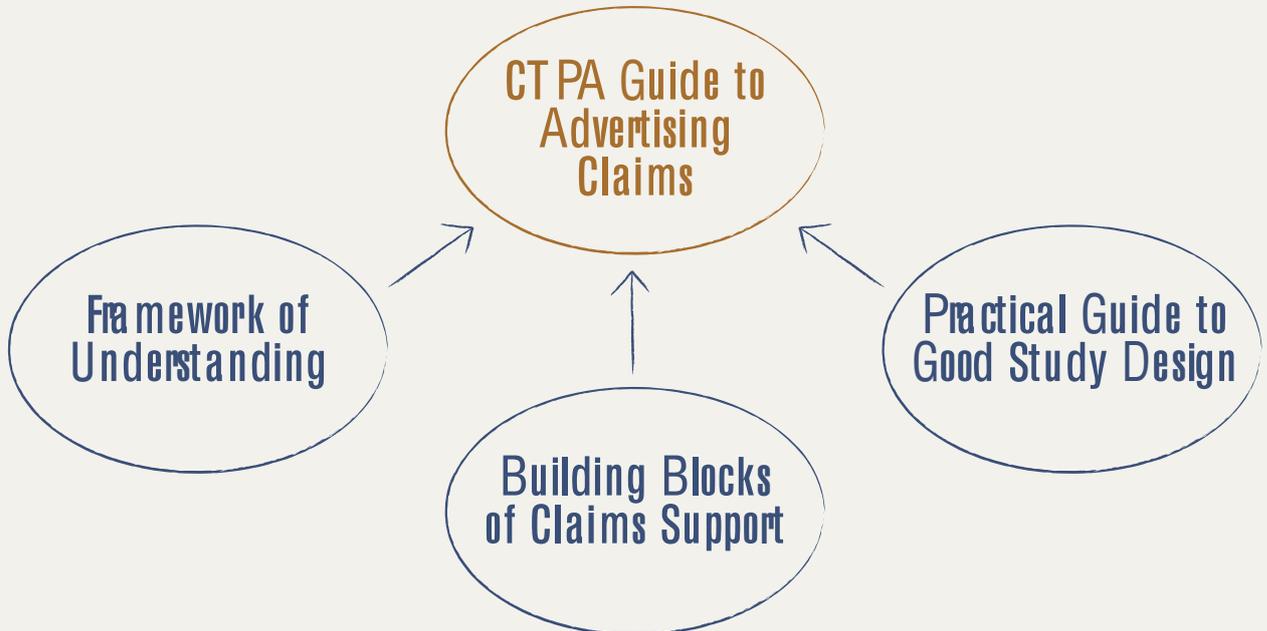
The seminar was attended by members and their advertising agencies, by scientists, regulatory and legal experts and marketing people. Importantly, both the Advertising Standards Authority and Clearcast were present to endorse the Guide publicly; both organisations had been closely involved in the creation of the Guide and their input is gratefully acknowledged by CTPA.

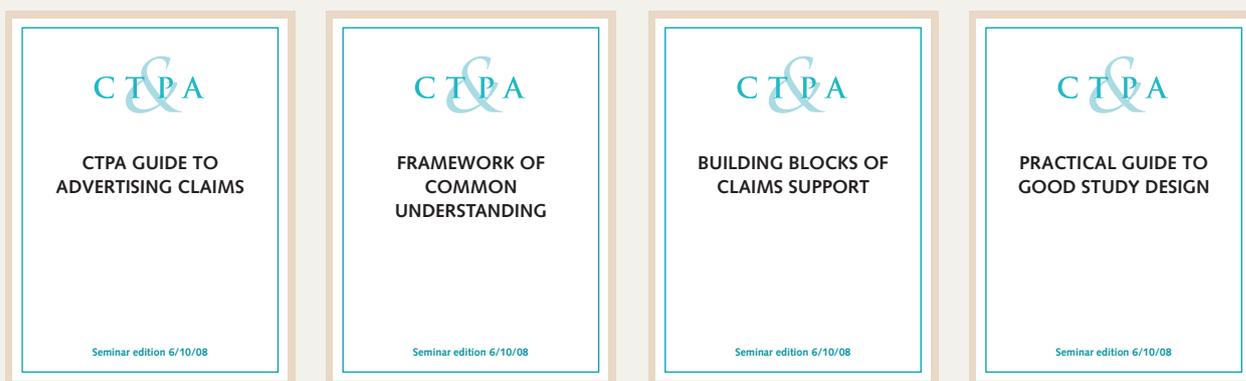


With CTPA and the cosmetics industry fully supporting the principle of self-regulation overseen by an effective authority and the availability of both codes of practice and help notes on health and beauty claims from that authority, you may ask why a new guide would be required. The answer is that the codes cover a very wide area, are light on detail and the Help Note for health and beauty claims is not comprehensive enough. What was needed was something directly targeted at a specific sector that provides greater depth of detail.

John Ballington, Chairman of CTPA, said during the seminar that the objective of the Guide was to provide greater certainty to advertisers when matching the claim to the evidence and to act as a single lens through which both the advertiser and the regulator could view the package.

The Guide is in three sections:





### Framework of Common Understanding

This section sets out clearly the demarcation between cosmetic products and other products such as medicines. The so-called borderline debate is an area ripe for misunderstandings, not helped by the use of the term cosmeceutical to imply a product is something other than the cosmetic product it actually is. Even so, there are plenty of other opportunities to misclassify a cosmetic as something else. For example, cosmetic products cover more than decorative cosmetics and nothing in law prevents a cosmetic product from having a physiological effect.

The Framework explains what factors are key to determining that a product truly is a cosmetic and also explains how, through claims and presentation alone, you could inadvertently find your product is now considered a medicine. This, ultimately, would be determined by the Medicines and Healthcare Products Regulatory Agency.

### Building Blocks of Claims Support

Because the claims made for cosmetics can range widely from the purely aspirational, which do not require evidence in support, to those at the leading edge of new science, it was necessary to sub-divide claims into separate classes based on the fundamental nature of the claim or consumer message. The level of evidence necessary to support a claim varies according to the class into which it falls; more evidence is necessary to support a claim 'based upon a significant advance in science or technology' than for a claim 'widely accepted to be established'. In addition, the claim may relate to the performance, to the aesthetics, to a sensory effect or to an ingredient.

The innovative approach of the Guide is to take the claim and view it as being composed of a number of building blocks, one for each element of the claim, each of which should be supported appropriately, as well as an assessment of the final claim as a whole. This allows both the advertiser and the regulator a common approach to assessing whether a claim is adequately supported.

### Practical Guide to Good Study Design

Designing a good study is not an innate ability but is a skill that must be learned based on guiding principles. The value of this part of the Guide is in helping advertisers design studies that will be robust enough to withstand scrutiny before the study is commissioned. It will also enable advertisers to interrogate an existing study to determine whether it is robust enough to contribute to a body of evidence or whether the study is fundamentally flawed.

This section of the Guide covers all study types from laboratory tests on substrates such as hair tresses to instrumental studies and expert grader studies on human volunteers.

With the enormous investment companies make into product research and development and product marketing, it would be unwise to risk that investment on claims that are not supported by appropriately robust scientific evidence, always remembering that the ultimate judge is the reasonably well-informed average consumer and their expectations of a cosmetic product.

In launching the Guide, CTPA is proud of the fact that this is the first time any industry sector in the UK has worked with the ASA as the regulator to create a Guide of this kind aimed at greater certainty in the field of cosmetic claims support.

The practical value of such a guide now depends on how widely it is adopted by advertisers of cosmetic products in the UK, not just by member companies. And, indeed, whether it is used in the same spirit by the regulator's experts who view claims support submissions provided by the industry. CTPA will be participating in training sessions at both the ASA and Clearcast in the year ahead as well as holding its own workshop on the practical details of the Guide's content.

As well as being a tangible indication of how seriously the cosmetics industry values self-regulation in the UK, the Guide also contributes directly to the debate around claims at European level. By demonstrating the maturity with which the industry can manage its part in a self-regulatory system, the Guide argues strongly against those who might wish to micro-manage claims for cosmetic products through legislation. Inevitably, that would adversely impact the artistic licence with which product attributes may be brought to the attention of the consumer.