

RULES FOR ADVERTISING COSMETICS

It is normal to advertise cosmetic products by using images associated with beauty and well-being but it is also increasingly common to use clear factual claims. Praising a product is allowed in an advertisement, however attention has to be paid to the way it is done. To give untrue or misleading information in marketing is not permitted under the Consumer Protection Law. (KSL 2:2).

The following basic rules are valid in any form of advertising:

1. The overall impression of an advertisement must give an accurate picture of the product being marketed.
2. The potential factual claims must be verifiable.

These principles of the Consumer Protection Law have also been confirmed in the established resolution procedure of the Market Court.

The rules have been drawn up to include both printed and electronic forms of advertising cosmetics.

ATTENTION MUST BE PAID TO THE OVERALL IMPRESSION

The purpose of the marketing regulations of the Consumer Protection Law is to guarantee that the Consumer receives accurate product information relevant to the purchase decision and therefore is capable of making a comparison between different products. This is why specific attention has to be paid to the overall impression created by the text and the picture of an advertisement.

Advertisements are usually glanced at quickly and superficially, which means that correct and essential information on the product must be conveyed at first glance through the main message. For example, an advertisement stating the test results very clearly but describing the test in very small print can be misleading. The research result of a small test group can be held as a generalisation and central main message only if the research has been representative enough. However, the size of the test group and the generalisation of the research results are also affected by the nature of the test – reliable results can also be obtained with a smaller test group, for example with clinical tests/studies (voluntary test subjects, controlled conditions, the result is evaluated or measured by a specialist instead of the test subject only).

If, for example, precise percentages or other factual claims of the product's characteristics are stated in the advertisement, it must also be prominently stated what kind of research and sampling the result is based on.

Creating an honest overall impression is a particular challenge in TV advertising where the characteristics of a product are usually conveyed very selectively. It is therefore essential to choose a characteristic as the principal message that describes the product generally enough from the target group's point of view.

A suitable goal for a principal message is one that can reasonably be expected to come true in the case of an average consumer.

USING FACTUAL CLAIMS

In advertising, there is a clear distinction between retailer praise and statements of factual claims. Retailer praise usually contains general types of expressions that need not be demonstrated. By using factual claims, there is a promise of something concrete about the effects of the product. The more concrete, obvious or measurable the claim is, the more it must be verifiable. A factual statement regarding the characteristics of a product can be expressed by numbers (e.g. precise percentage) or descriptively, i.e.

When the product is said to have a cherishing and protecting formula, it is retailer praise. But when the product is said to smooth away wrinkles or lengthen eyelashes by 60%, it is a factual claim that has to be verified with reliable research results.

When the advertisement promises: "Renewed conditioner – twice as shiny hair", it is a factual claim and the research on which the result is based must be stated in the advertisement.

When a product is said to be the first skin hydrating cream containing the ingredient x, the argument must be verifiable. When instead the product is said to bring the most beautiful autumn glow to the cheeks, it is retailer praise.

The following information must be given in a clear manner in support of the factual claims:

- What kind of research the claim is based on
- Whether the research is based on self-evaluation or is it research of another kind
- The size of the test group
- How to get further information on the product (e.g. website)

If a factual claim is based on the comparison of different products it is only allowed to use the conclusions in the advertisement that the researcher has used. It is also essential to disclose how representative the research has been.

The research on which the factual claim is based has to be conducted in a competent and objective manner. The research methods and the evaluation of the results must be defensible on generally accepted grounds.

Superlative expressions as such usually include comparisons with competitors. Therefore, specific attention must be paid to the honesty of the advertisement when the product is being compared with other products on the market. According to the Consumer Protection Law, the comparison has to be truthful, neutral and businesslike.

The advertiser is also responsible for statements of factual claims made by individuals in advertising. These kinds of statements can only be used in cases where the product can be demonstrated to have the same effect on other consumers as well. This means that before the advertiser can use a statement with factual claims of an individual in an advertisement in order to persuade other consumers, he has to be able to prove by reliable study results that the product also has the same reported effects more generally. However, if it is about a person's personal experience without concrete claims, the research results are not required.

SUPERVISION OF MARKETING

The Consumer Agency follows advertising in the field of cosmetics and requires that the rules stated above will be taken into future consideration. Specific attention must be paid to the truthfulness of the overall impression that the advertisement makes. For further information, please contact the undersigned.

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