Constraining advertising practices

Alternative mechanisms
Other legal bodies that regulate advertising:

FDA oversees all advertising of prescription medicines
Asthma was too often having to tell my kids "I can't."

Advair is clinically proven to increase symptom-free days.
So you can do more of the things you want to do. That's because ADVAIR is the first and only product approved by the FDA to effectively treat the two main components of asthma: airway constriction and inflammation. All with one easy-to-use DISKUS device. The clinical results were experienced by people taking ADVAIR 100/50, compared with people taking either fluticasone propionate 100 mcg or salmeterol 50 mcg (inhalation powders) alone.

ADVAIR won't replace fast-acting inhalers for sudden symptoms and should not be taken more than twice a day. People switching from an oral steroid, like prednisone, to ADVAIR, which contains an inhaled steroid, need to be especially careful. While adjusting to the switch, your body may not be as able to heal after surgery, infection, or serious injury. If you have heart or blood pressure problems, tell your doctor. Some people may experience a change in heart rhythm. See your doctor if your asthma does not improve.

ADVAIR is for patients 12 and older. Ask your doctor if it's right for you. For more information, visit us at ADVAIR.com or call 1.877.4.ADVAIR.

Life should take your breath away, not asthma:
What is ADVAIR DISKUS?
ADVHAIR DISKUS is a once-a-day inhaler medicine to help control your asthma. It is an anti-inflammatory medicine that helps prevent asthma attacks. ADVHAIR DISKUS is used to control symptoms of asthma, such as breathlessness, chest tightness, and coughing. It should be taken every day, even on days when you do not have symptoms. It is for people aged 12 years and older. It is not recommended for children under 12 years old.

How does ADVHAIR DISKUS work?
ADVHAIR DISKUS contains the medicines budesonide and formoterol fumarate. These medicines have different actions.

Budesonide is a steroid medicine that helps reduce the swelling and inflammation inside the lungs. This helps reduce the symptoms of asthma and helps you breathe easier.

Formoterol is a medicine that helps relax the muscles around your airways. This makes it easier for you to breathe.

What is the most important information I should know about ADVHAIR DISKUS?
Do not use ADVHAIR DISKUS if you are allergic to any of the ingredients in ADVHAIR DISKUS, including budesonide or formoterol. You should not use ADVHAIR DISKUS if you have a history of liver disease or if you are taking other medicines that can cause liver problems or worsening of liver disease.

What should I tell my doctor before using ADVHAIR DISKUS?
Tell your doctor about all the medicines you use, including prescription and nonprescription medicines, vitamins, and herbal supplements. You should also tell your doctor if you have any medical conditions, including liver disease or kidney disease.

Can I take ADVHAIR DISKUS with other medicines?
You should not take ADVHAIR DISKUS with certain other medicines. This includes some other asthma and breathing medicines. Consult your doctor before taking ADVHAIR DISKUS with these medicines.

What if I miss a dose of ADVHAIR DISKUS?
You should not take a missed dose of ADVHAIR DISKUS. If you miss a dose of ADVHAIR DISKUS, you should not take a double dose. If you are unsure when to take ADVHAIR DISKUS, check with your doctor.

What other side effects do I need to know about when taking ADVHAIR DISKUS?
Side effects can include:

- Headache
- Rash
- Stomach pain or discomfort
- Nausea
- Diarrhea
- Nervousness or tremors

These are not all the possible side effects of ADVHAIR DISKUS. For more information, ask your doctor or pharmacist.

Remember, keep this document for future reference. For more information, call 1-888-ADVAIR (1-888-238-2477) or visit www.advair.com.
“Companies were forever selling me hope-in-a-bottle...
Finally a tube of truth.

Discover Renova (tretinoin emollient cream) 0.05%: The only prescription cream proven to diminish fine lines and wrinkles. Proven to give skin a smoother texture and rosier glow when used as part of a comprehensive skin care and sun avoidance program and when skin care and sun avoidance programs alone are not enough.

Those are the facts. And so are these. Renova doesn't simply exfoliate the surface layer of your skin like over-the-counter wrinkle treatments do. Renova is a prescription cream containing tretinoin, a vitamin A derivative much like the naturally occurring one in your body. During the first month, your skin may become smoother and softer. After 2 or 3 months, brown spots fade and the fine lines around your eyes and mouth will begin to disappear.

While using Renova, you can expect to experience some redness, itching or flaking. Generally, these effects are manageable and well-tolerated. Remember, Renova does not eliminate wrinkles, it reduces them. Nor does it repair sun-damaged skin or reverse the aging process. And if you stop using Renova, improvements will gradually disappear. To learn more about what Renova can do, talk to your doctor or call 1-800-54-RENOVA.

When there's proof, there's truth.
Do the laws make sense from a cognitive perspective?

- Implied claims are not distinguished from directly asserted claims
- Advertising legislation deals only with issues pertaining to deceptive claims
What about subliminal advertising?

“We believe that use of subliminal perception [technique] is inconsistent with the obligations of a licensee, and we take this occasion to make clear that broadcasts employing such techniques are contrary to the public interest. Whether effective or not, such broadcasts clearly are intended to be deceptive.”

FCC Policy statement on subliminal advertising, 1974
DEMOCRATS
RATS
In response to the request for an investigation, the Enforcement Bureau sent inquiries to 217 stations asking,

(1) whether they aired the advertisement,
(2) what dates it aired,
(3) how many times it was aired and
(4) whether the licensees or any of their officers, directors or employees knew it contained the word “RATS” prior to airing it.

Finally, the licensees that broadcast the advertisement even though they knew it contained the word “RATS” were asked to explain the facts and circumstances surrounding their decision to do so.
The Bureau reported the results.

Of the 179 stations that responded that they had aired the advertisement, 162 indicated that, when they aired the advertisement, they were not aware that the advertisement contained the word “RATS.” Of those that aired the advertisement knowing the word “RATS” appeared in it, several stations stated that they did so because they were able to see the word and, therefore, they believed that it was not subliminal.

The Bureau concluded: “Based on our review of the responses submitted by the stations, we conclude that no further action is warranted.”
The Bureau rendered a legal conclusion that, “no further action is warranted,” without ever answering the factual question called for by the Commission’s policy on subliminal advertising. The more appropriate approach would have been to determine if the allegations in the complaint letter were accurate and then, whether such facts proved the use of a subliminal perception technique.
What other mechanisms exist for constraining the practices used by advertisers?

Self-regulatory bodies

In U.S. NAD (National Advertising Division) of the BBB reviews complaints filed by consumers or other businesses, makes determinations, recommendations.

If advertisers are noncompliant, they can be referred to NARB (National Advertising Review Board), or ultimately, the FTC.
Some advertising constraints in other countries:

- In Japan, overtly comparative advertising is not permitted, on grounds that it is inappropriate discourse.
- In Australia, health claims in food advertising are prohibited, as are any claims of a medical nature.
- In Australia, there are constraints on overseas-made TV commercials.
- Austria prohibits TV and radio advertising for services of lawyers, doctors and accountants, as well as advertising “conflicting with national policy and public morals”
Some advertising constraints in other countries:

- Quebec prohibits all advertising aimed at children younger than 13
- Throughout Canada, advertising is monitored for its portrayal of minority groups and women
- In New Zealand, self-regulatory bodies have specific codes for advertising pertaining to cigarettes, liquor, baldness or hair-loss claims, driving and petrol consumption claims, financial advertising, weight-loss claims, environmental claims
- In France, all TV advertising must be cleared by a self-regulatory agency prior to its broadcast
What other mechanisms exist to constrain advertising practices?

- consumer organizations
- consumer choice
- culture
Absolut Impotence.

Drink "provokes the desire but takes away the performance" — William Shakespeare
Upcoming sections topic:

• Are the constraints on advertising appropriate?
• Would other mechanisms or combination of mechanisms be more appropriate?
• What role should cognitive considerations play in shaping policy on advertising?