



- [Home](#)
- [Contact Us](#)
- [Events](#)
- [Press Releases](#)
- [ASRC Leadership, Support](#)
- [ASRC Presentations, Publications](#)
- [ASRC Procedures](#)
- [Online Archive](#)
- [CARU »](#)
- [ERSP »](#)
- [NAD »](#)
- [NARB »](#)
- [The Accountability Program »](#)



[Home](#) » [ASRC Press Releases](#) » ERSP Recommends Premier Care in Bathing Modify, Discontinue Certain Claims for Its Walk-In Baths

ERSP Recommends Premier Care in Bathing Modify, Discontinue Certain Claims for Its Walk-In Baths

New York, NY – Dec. 23, 2014 – The Electronic Retailing Self-Regulation Program (ERSP) has recommended that Premier Care in Bathing (“PCIB”) modify or discontinue certain advertising claims for its walk-in bathtubs.

ERSP is an investigative unit of the advertising industry’s system of self-regulation and is administered by the Council of Better Business Bureaus. The marketer’s advertising came to the attention of ERSP through a competitive challenge filed by Safe Step Walk-In Tub Co.

ERSP reviewed broadcast, print, and online advertising claims for PCIB, including:

- *“In fact, while other manufacturers use harsh water jets that can carry bacteria and damage or bruise your skin...”*

- *“America’s leader in Walk-In Tubs”*
- *“The best selling walk-in bath in America.”*

The challenger also expressed concerns regarding the lack of a clear and conspicuous disclosure detailing the financing offer and the claim that the offer is a special or limited time offer.

Following its review, ERSP found that the PCIB did not provide adequate substantiation for the claim that “... other manufacturers use harsh water jets that can carry bacteria and damage or bruise your skin...” and recommended that the marketer either discontinue or modify the claim to avoid the possibility that consumers would interpret the claim as a reference to all competitors in the marketplace.

There was no dispute, ERSP noted, that PCIB is the oldest walk-in bath tub company in the industry and the first company to offer walk-in baths to US consumers. However, ERSP found that the marketer’s evidence did not support the claims “America’s leader in Walk-In Tubs” and “The best selling walk-in bath in America.”

ERSP said nothing in its decision precludes the marketer from making a claim that it is an industry leader – making it clear, for example, that the claim is based upon PCIB’s history in the product category and does not imply the claim is based on current sales data.

ERSP also determined that the marketer’s revised “\$150 Per Month” financing offer appropriately disclosed important material information, but remained concerned that the disclosure was not adequately clear and conspicuous.

ERSP found that the marketer’s “special offer” claim was appropriately presented, but recommended that because the period of availability of a “limited time” offer is material to consumers, such information should be disclosed conspicuously in the advertising.

The company, in its marketer’s statement, said, “... PCIB appreciates and respects the self-regulatory process, is committed to truthful and accurate advertising, and will adhere to ERSP’s recommendations in future advertising.”

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