



Jason Bagley <jbagley@truthinadvertising.org>

National Advertising Review Board Recommends Philosophy Modify or Discontinue Certain Claims for 'Time in a Bottle'

Bean, Linda <lbean@asrc.bbb.org>

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Contact: Linda Bean

212.705.0129

National Advertising Review Board Recommends Philosophy Modify or Discontinue Certain Claims for 'Time in a Bottle'

New York, NY – May 14, 2015 – A panel of the National Advertising Review Board (NARB) has recommended that Philosophy, Inc., modify or discontinue certain advertising claims for the company's "Time in a Bottle Age-Defying Serum."

NARB is the appellate unit of the advertising industry's system of self-regulation. It is administered by the Council of Better Business Bureaus.

As part of its routine monitoring program, the National Advertising Division, an investigative unit of the advertising industry's system of self-regulation, requested substantiation for advertising claims made in print advertising and on product packaging that included:

- *"Women told us their skin looked 730 days younger*, that's 2 years on your side with our age-defying serum."*

**In an 8 week study of 56 women, 60% indicated their skin looked at least 2 years younger after 60 days*

- *"Transform your skin inside and out at any age*"*
- *"Defy the appearance of all major signs of aging, and help your skin appear:*
 - *Radiant*
 - *Wrinkle-free*
 - *Poreless*
 - *Smooth*
 - *Even*
 - *Firm"*

**clinical study, 120 women, ages 25-55, once daily use, measurement of aging not yet visible on the surface using cross-polarized light to reveal sub-surface signs of aging in the epidermal layer*

- *"[In clinical tests] 82% showed improvement in signs of aging not yet visible on the surface after 4 weeks."*
- *"[In clinical tests] 95% showed significant reduction in visible signs of aging after 8 weeks."*

In addition, the challenged claims included a consumer testimonial ("Lines have disappeared and ... I go makeup free") as well as before and after photographs with the text "inside: aging not yet visible on the surface" and "out: visible aging on the surface."

NAD found that the study relied on by Philosophy in support of the challenged claims was not sufficiently reliable and the NAD recommended that the claims be discontinued. Philosophy agreed to follow the NAD's recommendation with respect to the consumer testimonial and the before/after photographs with accompanying text, but appealed the remainder of the NAD's recommendations to the NARB.

Following a hearing and its review of the evidence in the record, the NARB panel determined that the study relied on by Philosophy was reliable. However, the panel recommended that Philosophy either discontinue the challenged claim "Women told us their skin looked 730 days younger*, that's two years on your side with our age-defying serum," or modify the body of the claim to identify the degree of support for the opinions expressed (e.g., "60% of women told us").

The panel also recommended that Philosophy delete the word "all" in the challenged "defy the appearance of all major signs of aging" claim and discontinue challenged claims that Time in a Bottle helps skin appear radiant, poreless, even, wrinkle-free, smooth and firm. However, the panel noted that its decision did not preclude Philosophy from making truthful claims based on study findings showing improvement in appearance with respect to specific skin attributes.

The panel recommended that Philosophy discontinue the challenged claim that in clinical testing 76 percent showed improvements in signs of aging not yet visible on the surface after four weeks. The panel also recommended that Philosophy discontinue the challenged claim that in clinical testing 95 percent showed significant reduction in visible signs of aging after eight weeks. However, the panel noted that its decision did not preclude Philosophy from making truthful claims based on study findings showing improvement in complexion health and overall skin appearance.

Philosophy, in its advertiser's statement, noted that "the NARB's decision validates Philosophy's testing methodology and, in so doing, provides helpful guidance for the rest of the cosmetic industry." Philosophy took issue with certain of the NARB's findings, but said: "While Philosophy is disappointed with this element of the decision, it respects the self-regulatory process and will take the panel's decision into consideration in future advertising."

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About Advertising Industry Self-Regulation: The Advertising Self-Regulatory Council establishes the policies and procedures for advertising industry self-regulation, including the National Advertising Division (NAD), Children's Advertising Review Unit (CARU), National Advertising Review Board (NARB), Electronic Retailing Self-Regulation Program (ERSP) and Online Interest-Based Advertising Accountability Program (Accountability Program.) The self-regulatory system is administered by the Council of Better Business Bureaus.

Self-regulation is good for consumers. The self-regulatory system monitors the marketplace, holds advertisers responsible for their claims and practices and tracks emerging issues and trends. Self-regulation is good for advertisers. Rigorous review serves to encourage consumer trust; the self-regulatory system offers an expert, cost-efficient, meaningful alternative to litigation and provides a framework for the development of a self-regulatory solution to emerging issues.

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Linda Bean | *Director, Communications,*

Advertising Self-Regulatory Council

Tel: [212.705.0129](tel:212.705.0129)

Cell: [908.812.8175](tel:908.812.8175)

lbean@asrc.bbb.org

112 Madison Ave. | 3rd Fl. | New York, NY | 10016


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