

PAGB Advertising Complaints Appeal Panel – Summary Report Perrigo Company Plc (t/a NiQuitin)

12 August 2016 : NiQuitin consumer advertising - a TV advertisement produced by Perrigo Company Plc seen May-July 2016 for the NiQuitin Clear 21mg Patch and NiQuitin 4mg Minis Lozenges.

Johnson and Johnson Ltd challenged whether the claim "...for unexpected craving, combine with NiQuitin Minis to help relieve cravings in just three minutes" in the advertisement was misleading and could be substantiated. Specifically, they raised concerns about whether appropriate substantiation had been provided to support the 'three minute' claim which they felt, in the context of the advertisement, had been presented as a benefit associated with the combined use of the products featured.

Perrigo Company Plc said the advertisement was made up of three separate parts which referred to the benefit of combination therapy, of the NiQuitin Clear 21mg Patch and of NiQuitin 4mg Minis Lozenges respectively. They felt the third part of the advertisement appropriately conveyed the findings of the single therapy substantiation submitted.

Johnson and Johnson Ltd's complaint was considered formally by PAGB and an independent Advertising Complaints Appeal Panel. The Panel upheld the complaint against the PAGB Consumer Code clauses 4, 5 and 21 and MHRA Blue Guide 2014 4.3 (3).

While the Panel accepted that the substantiation provided by Perrigo Company Plc supported the 'three minute' efficacy claim for NiQuitin 4mg Minis Lozenges as a single therapy, they considered viewers were likely to understand from the advertisement that it was combination use with the other product featured that delivered the benefit and therefore concluded the claim "...for unexpected craving, combine with NiQuitin Minis to help relieve cravings in just three minutes" was unsubstantiated.

Perrigo Company Plc must ensure there is no further distribution, publication or broadcast of the advertisement in question in its current form. It must ensure efficacy claims likely to be understood as relating to the use of a combination of products are supported by studies in a combination setting, and that individual product efficacy claims are presented distinctly from any combination claims.

No further PAGB recourse on the Panel's findings is available. PAGB will support Perrigo Company Plc in ensuring compliance in its future advertising. Separate points of policy raised by Panel as part of its response will be evaluated by a PAGB working group.

More information about the PAGB Complaints Procedure is available [here](#).