

For Immediate Release

CARU RECOMMENDS J&J DISCONTINUE ADVERTISING 'LISTERINE SMART RINSE' DURING CHILD-DIRECTED PROGRAMMING

New York, NY – March 29, 2010 –The Children's Advertising Review Unit (CARU) of the Council of Better Business Bureaus, Inc., has recommended that the Johnson & Johnson Healthcare Products Division of McNeil-PPC, Inc. discontinue advertising Listerine Smart Rinse during child-directed programming. J&J has said it will appeal CARU's decision to the National Advertising Review Board.

Broadcast advertising for the product came to the attention of the Children's Advertising Review Unit ("CARU") through its routine monitoring of advertising directed to children. The advertising at issue aired during the animated television series "Dora the Explorer."

The product, manufactured in colors and flavors that may be attractive to children, is labeled "Keep out of reach of children. If more than used for rinsing is accidentally swallowed, get medical help or contact a Poison Control Center right away."

The advertisement features two children using Listerine Smart Rinse. The mother in the commercial states that Smart Rinse is fun for kids because it cleans up after them "like a magnet," and "shows it in the sink," after they spit it out. The mother also notes that Smart Rinse, "kills bad breath germs, too." The advertisement ends with the tagline, "Cleans up after your kids." A link to the Website, www.listerinekids.com, is displayed on the screen.

Following CARU's initial inquiry, J&J argued that CARU had applied its Guidelines in such a way that any product bearing the statement, "keep out of reach of children," on the label is per se a product that poses safety risks to children.

The advertiser said that the product bears the warning statement pursuant to Food and Drug Administration (FDA) requirements. The company noted that nothing in FDA's Final Monograph suggests that fluoride rinse products like Smart Rinse pose a safety risk to children when used as directed. The advertiser stated it does not believe that products that pose safety risks only when misused should be considered inappropriate to advertise to children.

J&J further argued that the advertisement targeted parents of children and presented evidence indicating that nearly 33 percent of child viewers (ages 2-11) watched the show with an adult (ages 18-49.)

CARU's guidelines explicitly and unambiguously provide that advertisers should not advertise products directly to children that are labeled, "Keep out of reach of children." CARU's decisions are clear that where these products are advertised to children, it need not assess whether the product presents a safety risk.

Following its review, CARU determined that the circumstances of this case did not warrant an exception to CARU's guidelines.

J&J, in its advertiser's statement, said that the company "appreciates CARU's finding that we did not intend to direct the challenged commercial to children under 12. We disagree with all other portions of the decision and will appeal the decision to NARB"

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CARU's inquiry was conducted under NAD/CARU/NARB Procedures for the Voluntary Self-Regulation of National Advertising. Details of the initial inquiry, CARU's decision, and the advertiser's response will be included in the next NAD/CARU Case Report.

About Advertising Industry Self-Regulation: The National Advertising Review Council (NARC) was formed in 1971. NARC establishes the policies and procedures for the National Advertising Division (NAD) of the Council of Better Business Bureaus, the CBBB's Children's Advertising Review Unit (CARU), the National Advertising Review Board (NARB) and the Electronic Retailing Self-Regulation Program (ERSP).

The NARC Board of Directors is composed of representatives of the American Advertising Federation, Inc. (AAF), American Association of Advertising Agencies, Inc., (AAAA), the Association of National Advertisers, Inc. (ANA), Council of Better Business Bureaus, Inc. (CBBB), Direct Marketing Association (DMA), Electronic Retailing Association (ERA) and Interactive Advertising Bureau (IAB). Its purpose is to foster truth and accuracy in national advertising through voluntary self-regulation.

NAD, CARU and ERSP are the investigative arms of the advertising industry's voluntary self-regulation program. Their casework results from competitive challenges from other advertisers, and also from self-monitoring traditional and new media. NARB, the appeals body, is a peer group from which ad-hoc panels are selected to adjudicate NAD/CARU cases that are not resolved at the NAD/CARU level. This unique, self-regulatory system is funded entirely by the business community; CARU is financed by the children's advertising industry, while NAD/NARC/NARB's primary source of funding is derived from membership fees paid to the CBBB. ERSP's funding is derived from membership in the Electronic Retailing Association. For more information about advertising industry self-regulation, please visit www.narcpartners.org.