

Case Duracell Ultra Power – Pgl (Agency) – TV (medium). Energizer Group France and Procter & Gamble France; decision published on 02.04.2014. [Duracell Ultra Power - 297/14](#)

The advertising is here:

http://www.jdp-pub.org/IMG/mp4/DURACELL_ULTRA_POWER.mp4

Background

The Jury of Advertising Ethics received on 13 December 2013 a complaint by the company Energizer Group France against Procter & Gamble France for its Duracell Ultra Power battery brand.

Advertising at issue presents a cartoon character, the Duracell bunny (recurring character of the brand), and a little boy operating their respective remote-controlled helicopter. The helicopter slows down and the boy falls, unlike the rabbit. The latter then retrieves the battery from his remote control, notes that it is still loaded, inserts it into a fan and uses it to the boy's benefit.

The voiceover states: " *the new Duracell Ultra Power battery (...) it not only lasts longer than other batteries (...) no battery lasts as long* ." The commercial includes a title that the claim is about the size AA LR6 and for any purpose, without giving further details.

Claims

- Energizer said that some of their (lithium) batteries lasted longer than the Duracell advertised. They considered that the claims "*it not only lasts longer than other batteries*" and "*no battery lasts as long*" as not in accordance with the provisions of Directive 2006/114/EC and the Consumer Code concerning misleading and comparative advertising, or to ethical rules from Articles 1 and 11 of [the ICC Code](#)
 - Procter & Gamble France said that the lithium batteries that qualified in this context represented about 0.1% of the market in France, and that they had subsequently amended the title to add the word 'alkaline' They also questioned the jury's competence to rule on matters such as these, which should be dealt with under national jurisdiction
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Ruling

The complaint was ruled valid. The jury first of all said that they would deal with the complaint under SR rules as they were entitled / obliged to, and that on the specifics of the complaint it didn't matter how small the market share was; the claim had to be accurate (which the amended film was).

The jury also checked the duration, size, and format of the titling on the film and confirmed it met the requirements of the relevant ARPP Code, "Notes and overlays": http://www.arpp-pub.org/IMG/pdf/Notes_and_overlays.pdf

Commentary

The issue, albeit "dead" by the time of the hearing, is the importance of the accuracy and clarity of the supporting references / titles
