

# **ASA Adjudication on Dardam Services Ltd**

## **Dardam Services Ltd t/a No Match**

101 St Georges Road  
Bolton  
Lancashire  
BL1 2BY

### **Date:**

29 January 2014

### **Media:**

National press

### **Sector:**

Retail

### **Number of complaints:**

1

### **Agency:**

Creativeworld

### **Complaint Ref:**

A13-245512

## **Background**

Summary of Council decision:

Two issues were investigated both of which were Upheld.

## **Ad**

A national press ad, for an electronic cigarette, which appeared under an advertising feature titled "Stub it out for good", which discussed the national stop smoking campaign Stoptober, was headed "Switchtober 2013" and featured an image of a calendar page with the first day marked with the No Match logo, which was a match with a cross through it.

## **Issue**

The complainant challenged whether the ad breached the Code, because:

1. it implied that the product was suitable for use as a smoking cessation device; and
2. it misleadingly implied that the product was associated with Stoptober.

Investigated under CAP Code (Edition 12) rules 3.50 (Endorsements and testimonials) and 12.1 (Medicines, medical devices, health-related products and beauty products).

## **CAP Code (Edition 12)**

[12.112.113.50](#)

## **Response**

No Match said they made every effort to ensure that their products were not confused with smoking cessation devices. They told us they had been informed by the newspaper that they were having a section on electronic cigarettes and that they had been unaware of the exact content of the advertising feature prior to publication and had not had any control over it. They said their ad was headed "Switchtober 2013", which was a phrase they had coined themselves and was not a reference to Stoptober, and that the ad did not refer to the product as a smoking cessation device or imply that that was what it was. They advised that they also used other such phrases in their ads, such as "Dealcember".

## **Assessment**

1 & 2 Upheld

The ASA was concerned that, given the similarity between the phrases "Switchtober" and "Stoptober", consumers were likely to understand that the product was in some way associated with or endorsed by Stoptober, and that therefore they were likely to believe that the product was suitable for use as a smoking cessation device. We were further concerned that that impression was enhanced by the image of a calendar, with the first date marked off with an image of a match with a cross through it, which we considered implied consumers would no longer need matches to light their cigarettes, and also because we understood that crossing off days on a calendar was sometimes associated with keeping track of resolutions. Because we considered the ad implied that consumers could use the product for smoking cessation and we understood that the product had not been licensed by the MHRA for that purpose, we concluded that the ad breached the Code in that regard.

The ad breached CAP Code (Edition 12) rules 3.50 (Endorsements and testimonials) and 12.1 and 12.11 (Medicines, medical devices, health-related products and beauty products).

## **Action**

We told NM to ensure they did not imply that their product was suitable for use as a smoking cessation device, or associated with any stop smoking campaigns, in future.