

ASA Adjudication on Ten Motives Ltd

Ten Motives Ltd

Suite 15
Edwin Foden Business Centre
Moss Lane
Sandbach
Cheshire
CW11 3AE

Date:

12 March 2014

Media:

Brochure

Sector:

Leisure

Number of complaints:

1

Complaint Ref:

A13-250753

Background

Summary of Council decision:

Two issues were investigated, both of which were Upheld.

Ad

A leaflet for e-cigarettes, which featured the "Ten Motives disposable electronic cigarette" and pictured two versions of the product, stated "The healthier smoking alternative", and "... because it contains no tar or cancerous toxins, you can still enjoy smoking without worrying about the effects on your health".

Issue

The complainant challenged whether the following claims were misleading and could be substantiated:

1. "The healthier smoking alternative"; and,
2. "you can still enjoy smoking without worrying about the effects on your health".

CAP Code (Edition 12)

[3.13.7](#)

Response

Ten Motives Ltd stated that the MHRA had confirmed that it was acceptable to refer to their product as a healthier alternative. They stated that ASH were the recognised authority on smoking in the UK and quoted from their briefing document in June 2013, which stated "In 1976 Professor Michael Russell wrote: 'People smoke for nicotine but they die from the tar'. Indeed, the harm from smoking is caused almost exclusively by toxins present in tobacco released through combustion. By contrast, pure nicotine products, although addictive, are considerably less harmful. Electronic cigarettes consequently represent a safer alternative to cigarettes for smokers who are unable or unwilling to stop using nicotine". They also provided links to the presentations given at an 'E-cig summit' in November 2013 at the Royal Society, which they stated had been attended by recognised international scientific authorities on smoking, including the MHRA. They highlighted quotes and presentations they considered supported the ad's claims, such as a presentation entitled "Nicotine safety in the context of e-cigarette use and tobacco dependence". They stated that the presentations were science-based commentary from independent and qualified experts and considered that the content of the presentations substantiated that the claims were scientific proof that electronic cigarettes were a healthier alternative and could be used without fear of any of the harm done by tobacco-based cigarettes.

They stated that their e-cigarette product contained none of the 4,000 or so harmful toxins and carcinogens found in normal tobacco-based cigarettes and said there was around 30 years' worth of study into the effects of nicotine which stated that it was harmless in the doses contained within e-cigarettes. They stated that some of the world's leading authorities on tobacco research acknowledged that e-cigarettes were up to 99 times safer than tobacco cigarettes and therefore considered it was appropriate to refer to the product as a healthier alternative.

Assessment

1. & 2. Upheld

The ASA considered that the claims "The healthier smoking alternative" and "you can still enjoy smoking without worrying about the effects on your health" were likely to be understood to mean the Ten Motives products featured in the ad were less harmful than smoking, or that the products were not harmful, and did not have any negative effects on the user's health. We

considered that those were claims capable of objective substantiation which should be supported by relevant documentation.

We noted that the advertisers had not provided any documentation from the MHRA in support of their claims. We acknowledged the quote from ASH, but noted it was not supported by further documentation or substantiation showing the effects of electronic cigarettes or the Ten Motives products specifically. We understood that the presentations provided also referred to general information and documentation about e-cigarettes, but noted we had not been provided with any documentation or studies which detailed the effects of the Ten Motives products featured in the ad or which had considered their effects compared to smoking or on the user's health.

In the absence of supporting evidence which showed that the Ten Motives products featured in the ad were less harmful than smoking and did not have any negative effects on the user's health, we concluded that the claims "The healthier smoking alternative" and "you can still enjoy smoking without worrying about the effects on your health" were misleading.

Action

The claims must not appear again in their current form. We told Ten Motives Ltd not to claim that their products were less harmful than smoking and did not have any negative effects on the user's health, if they did not hold evidence in support of the product's efficacy claims.