



For Immediate Release

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National Advertising Review Board Recommends Genexa Discontinue or Modify Pediatrician Preference and Ingredient Claims for “Kids’ Pain & Fever” Medicine

New York, NY – Feb. 14, 2023 – A panel of the National Advertising Review Board (NARB), the appellate advertising law body of BBB National Programs, recommended that Genexa Inc. discontinue certain pediatrician preference claims and ingredient claims for its acetaminophen-based children’s analgesic sold over the counter as “Kids’ Pain & Fever.”

The advertising at issue had been challenged before the National Advertising Division (NAD) by Johnson & Johnson Consumer, Inc., McNeil Healthcare Division. Following NAD’s decision ([Case No. 7108](#)), Genexa appealed NAD’s findings and recommendations.

While the active ingredient in both parties’ medications (acetaminophen) is the same, Genexa has disseminated superiority claims for Kids’ Pain & Fever compared to competing brands based on asserted advantages attributable to its product’s inactive ingredients.

Pediatrician Preference Claims

Johnson & Johnson challenged the following pediatrician preference claims:

- “Pediatricians prefer Genexa’s Kids’ Pain & Fever over Children’s Tylenol Pain + Fever liquid products for their own children based upon comparing the ingredients”; and
- “The doctors have spoken.”

In agreement with NAD, the NARB panel concluded that one message conveyed by the “pediatricians prefer” claim is that pediatricians prefer the Genexa product for use by their own children. Further, the NARB panel concluded that the “doctors have spoken” claim communicates to reasonable consumers that pediatricians prefer Genexa’s medication to competitive products on the market, including recommending the Genexa medicine in their practice.

Finding no support for either of these messages, the NARB panel recommended that the claims be discontinued or modified to make clear that the surveyed pediatricians expressed a preference only as to “ingredients,” and avoid stating or implying that pediatricians prefer or use the advertiser’s product over the challenger’s product in their practices or for their own children.

Ingredient Claims

In the underlying decision, NAD found that the challenged claims convey the message that there are inactive ingredients in competitors' products, including Johnson & Johnson's, that are dangerous and unsafe. NAD recommended that these claims be discontinued for lack of support.

The NARB panel affirmed NAD's conclusions and recommendations concerning the challenged ingredient claims. Among the claims the panel recommended be discontinued was the claim "PARABENS is stuff you'll find in ALL PURPOSE CLEANER. And, for some reason, in kids' fever medicine."

The NARB panel also recommended that the advertiser discontinue the "MADE WITH REAL INGREDIENTS" claim in the context presented in the now-discontinued challenged video advertisement and avoid conveying the message that competing products with different inactive ingredients are generally unsafe, harmful, or dangerous. The panel noted that nothing in its decision prevents the advertiser from highlighting the "real ingredients" in its product, provided, that the advertising does not otherwise convey the message that competing products contain inactive ingredients that are generally unsafe, harmful, or dangerous.

Genexa stated that it "is deeply troubled by the implications of NARB's decision on both Genexa and the industry more broadly, but Genexa will comply with NARB's recommendations."

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About BBB National Programs: BBB National Programs, a non-profit organization, is the home of U.S. independent industry self-regulation, currently operating more than a dozen globally recognized programs that have been helping enhance consumer trust in business for more than 50 years. These programs provide third-party accountability and dispute resolution services that address existing and emerging industry issues, create a fairer playing field for businesses, and a better experience for consumers. BBB National Programs continues to evolve its work and grow its impact by providing business guidance and fostering best practices in arenas such as advertising, child-and-teen-directed marketing, data privacy, dispute resolution, automobile warranty, technology, and emerging areas. To learn more, visit bbbprograms.org.

About the National Advertising Review Board (NARB): The National Advertising Review Board (NARB) is the appellate body for BBB National Programs' advertising self-regulatory programs. NARB's panel members include 85 distinguished volunteer professionals from the national advertising industry, agencies, and public members, such as academics and former members of the public sector. NARB serves as a layer of independent industry peer review that helps engender trust and compliance in NAD, CARU, and DSSRC matters.