

**Glad Products Company**

**ForceFlex Plus with Clorox Tall Kitchen Drawstring Bags**

**Challenger:** Reynolds Consumer Products LLC

**Product Type:** Household Products

**Issues:** Health & Safety Claims; Implied Claims/Consumer Perception

**Disposition:** Modified/Discontinued

**BBB NATIONAL PROGRAMS**

**NATIONAL ADVERTISING DIVISION**

REYNOLDS CONSUMER PRODUCTS  
LLC,

*Challenger,*

GLAD PRODUCTS COMPANY,  
*Advertiser.*

Case No. 6996

Closed 1/3/2022

**FINAL DECISION**

- When companies co-brand their products, it is important that the advertising make clear each brand's role in the co-branded product.
- Market research to determine consumer behavior for corporate business decisions is not necessarily sufficient for claim substantiation.

**I. Basis of Inquiry**

The advertising industry established the National Advertising Division (“NAD”) and the National Advertising Review Board (“NARB”) in 1971 as an independent system of self-regulation designed to build consumer trust in advertising. NAD reviews national advertising in all media in response to third-party challenges or through inquiries opened on its own initiative. Its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business. Challenger Reynolds Consumer Products LLC (“Reynolds” or “Challenger”) challenged express and implied claims made by Advertiser Glad Products Company (“Glad” or “Advertiser”) for its ForceFlex Plus with Clorox Tall Kitchen Drawstring Bags and Quick-Tie Tall Kitchen CloroxPro Trash Bags. The following are representative of the claims that served as the basis for this inquiry:

*A. Express Claims*

- “Glad with Clorox garbage bags work as hard as you do to maintain a clean and healthy home”
- “These innovative bags eliminate food & bacterial odors to keep your home feeling clean & healthy”
- “It’s all clean with Clorox”
- “Clorox”; “CloroxPro”; “CloroxPro, where clean means everything”

- “with Clorox”; “Glad with Clorox garbage bags”; “It’s all Glad with Clorox”; “ForceFlex Plus with Clorox Bags”; “Glad Tall Kitchen Trash Bags ForceFlex Plus with Clorox”; “Glad Quick-Tie Tall Kitchen CloroxPro Trash Bags”
- “Glad ForceFlex Plus with Clorox eliminates food & bacterial odors with Clorox protection”
- “Clorox Eliminates Food & Bacterial Odors”
- “Clorox helps you take control of the toughest food and bacterial odors, eliminating bad trash smells for good”
- “Glad and Clorox have joined forces to create a trash bag with the strength of Glad and the odor-fighting power of Clorox”
- “Clorox Odor Protection”

#### *B. Implied Claims*

- Glad Bags are coated in a Clorox agent that provides antibacterial and microbe protection and makes consumers’ homes cleaner
- Glad Bags are coated in a Clorox agent that is the source of food and odor elimination

## **II. Evidence Presented**

In support of the challenged claims, the Advertiser provided two expert declarations:

(1) Jeff Stiglic, Associate Research Fellow and Pillar Lead for Actives & Chemistry for the Glad business, explaining the development of ODOGard for use on Glad ForceFlex Plus trash bags and;

(2) Dr. Bruce Isaacson, critiquing the consumer perception study submitted by the Challenger.

The Advertiser also provided a list of Clorox and CloroxPro products that are bleach free and/or non-disinfecting.

In support of its arguments, the Challenger submitted a consumer perception survey on Glad’s Cleaning Commercial, as well as evidence of consumer reviews from Glad’s and third-party retailers’ websites.

## **III. Decision**

### *A. Introduction*

Glad and Clorox have achieved great success and brand recognition over the years. Glad for its trash bags and food storage products and Clorox for its cleaning, disinfecting (such as bleach), laundry and pet products. The Glad and Clorox brands have joined forces to create a new product seeking to combine the strength and leak protection of Glad ForceFlex trash bags with Clorox odor protection to effectively eliminate the odors associated with trash.

The odor elimination benefit in Glad’s ForceFlex bags consists of two components: (1) the interior of the bag is coated with ODOGard, a patented formula that chemically and physically eliminates odors and (2) customized fragrances designed to be stable when used with ODOGard. Clorox licensed ODOGard from Rem Brands, Inc. and spent several years testing and optimizing its application to the interior of trash bags, to ensure the odor protection would stick to the bag even after the consumer

fluffed the bag open. The unique ODOGard technology transforms sulfur-based odorants into odorless molecules, instead of merely masking the odor.

While companies may tout partnerships that bring innovative technologies together it must do so in an accurate manner.<sup>1</sup> This challenge concerns whether express claims on product packaging, product webpages and commercials associated with co-branding Clorox and Glad's ForceFlex Plus and Quick-Tie Tall Kitchen CloroxPro trash bags convey an unsupported cleaning or disinfecting message.<sup>2</sup>

A similar dispute between these same parties was addressed in *The Clorox Company (Glad Tall Kitchen Drawstring Bags)*.<sup>3</sup> In that case, Reynolds contended that the claim "Antimicrobial Protection of the Drawstring from Odors" for Glad trash bags, when viewed in the context of the product packaging and other advertising conveyed a health-related disinfecting message. NAD found that the combined design elements of the challenged advertising, including the claim, the use of the Clorox logo, and the prominence of each element, reasonably conveyed a confusing message as to the specific benefit offered by the product and the nature of Clorox's partnership with Glad on the product. NAD recommended that the advertiser modify the advertising to more accurately and clearly ensure that consumers understood the benefit of the Clorox co-branding as one of odor protection and not disinfection.

When companies co-brand their products, it is important that the advertising make clear each brand's role in the co-branded product. Because consumers can reasonably associate a brand with specific benefits, co-branding can create consumer confusion if the benefit associated with the brand is not part of the co-branded product. Clorox is often associated with cleaning and disinfecting benefits because of its bleach. Clorox is free to co-brand with Glad to advertise trash bags with innovative odor technology; however, when advertising the co-branded product Clorox should clearly tie its name and logo to the benefit it provides (i.e., odor elimination technology) in order to avoid conveying a message that Clorox is in the product for cleaning or disinfecting purposes. Accurate advertising for co-branded products is essential so that consumers can identify the benefit each company brings to the product.

### B. Product Packaging

NAD reviewed Glad's ForceFlex Plus with Clorox product packaging to determine whether it clearly ties the Clorox brand to its odor elimination role. The Challenger argued that the prominent display of the Clorox logo on the product packaging sends an implied message that the trash bags contain a Clorox bleaching/disinfecting agent which reduces or eliminates bacteria.<sup>4</sup> The Advertiser maintained

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<sup>1</sup> *The Clorox Company (Glad Tall Kitchen Drawstring Bags)*, Report #5951, NAD/CARU Case Reports (May 2016) (NAD stated Glad should be able to tout its partnership with Clorox that brought zinc pyrithione to control odor on the drawstring of the trash bag, but that it must do so in an accurate manner).

<sup>2</sup> The Challenger's submission included the image of a product called "Glad with Clorox Tall Kitchen Quick-Tie bags" that featured the claim "Resists Bacterial Odors" on its packaging. Reynolds did not specifically include this product or claim in its challenge; therefore, NAD did not review this product packaging or any claims relating to it.

<sup>3</sup> *The Clorox Company (Glad Tall Kitchen Drawstring Bags)*, supra n. 1

<sup>4</sup> Reynolds also argued that even if the Clorox logo is always tied to the benefit that Clorox provides to the product it is still misleading because it is Rem-Brand's ODOGard that provides the odor elimination benefit. NAD disagreed with this premise as Clorox's expert explained that Clorox licensed Rem-Brand's ODOGard technology but then spent a significant amount of time and money on perfecting that technology to apply to trash bags and

that the packaging highlights the co-branded nature of the ForceFlex Plus product, with Glad contributing to the trash bag technology and Clorox contributing to the odor control technology.

The Challenger pointed to consumer reviews from product pages on both Glad and third-party retailer sites as evidence of consumer confusion.<sup>5</sup> NAD has found that evidence based solely on the experience of individual consumers is anecdotal and is not sufficient to establish that a claim causes consumer confusion.<sup>6</sup> Accordingly, NAD did not consider the submitted consumer reviews as consumer perception evidence that the Advertiser's label is misunderstood by consumers.

In the absence of reliable consumer perception evidence NAD steps into the shoes of the consumer and uses its expertise to determine the messages reasonably conveyed by an advertisement.<sup>7</sup> In analyzing the messages conveyed, NAD typically reviews the net impression created by the advertisement as a whole, not merely words, phrases or visual images standing alone.<sup>8</sup>

NAD determined that Clorox's logo should appear in close proximity to the claim "Eliminates Food & Bacterial Odors" to clearly communicate to consumers the odor elimination benefit that Clorox brings to Glad's trash bags. NAD noted that some product packaging features the Clorox logo in close proximity to the odor elimination claim and additionally features a "Lemon Fresh Bleach Scent" claim. NAD found that this product packaging did not require modification because the Clorox logo is appropriately tied to the odor elimination benefit it provides and the reference to bleach clearly refers to bleach as part of the scent of the product.

In one challenged image, the Clorox logo is featured alongside the "Lemon Fresh Bleach Scent" claim without language tying the Clorox brand to the odor elimination technology it provides. The Advertiser explained that the image is a digital image and is not representative of product packaging. In any event, the Advertiser stated that the image was permanently discontinued. Based on this assurance, NAD did not review the image on its merits. The discontinued image will be treated, for compliance purposes, as though NAD recommended its discontinuance and the Advertiser agreed to comply.

NAD found that product packaging for the Quick-Tie bags with the CloroxPro logo did not have the potential to confuse consumers because the CloroxPro logo is a brand extension, distinct from Clorox's traditional consumer product logo, and is not necessarily associated with bleach.

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to create new scents that are stable with the ODOGard technology. This is not simply a case of Clorox licensing and using Rem-Brand's technology.

<sup>5</sup> The Challenger submitted consumer reviews that state "having trash bags with clorox infused into the bag gives me peace of mind knowing that my trash cans are cleaner," "perfect trash bag if you have kids in diapers. The power of clorox plus a very nice smell," "Glad force flex is one of the best garbage bags. I love that it has Clorox to help with the germs," and "I was concerned about the Clorox thing, too. But when you open them up and put them in the trash can, they really don't smell. Maybe it's just some sort of additive to the plastic, like chlorine is to pvc piping?"

<sup>6</sup> The Sherwin-Williams Company (Krylon CoverMaxx Spray Paints), Report #6074, *NAD/CARU Case Reports* (April 2017).

<sup>7</sup> *The Clorox Company (Glad Tall Kitchen Drawstring Bags)*, *supra* n. 1.

<sup>8</sup> *Id.*

### C. Website Claims

Reynolds also challenged claims that appear on Glad's product website and on third-party retailer websites. The description on Amazon's product page for the ForceFlex Plus with Clorox bags includes a list of five bullet points, with the third bullet point stating "Glad with Clorox garbage bags work as hard as you do to maintain a clean and healthy home with a versatile design for both kitchen trash and tackling household chores." On Glad's website, the product page for ForceFlex Plus with Clorox bags shows the product packaging for the 34-count bags and states "these innovative bags eliminate food challenge. and bacterial odors to keep your home feeling clean & healthy." Below this statement it shows the product's availability in two scents "Lemon Fresh Bleach Scent" and "Mountain Air" scent.

Reynolds argued that claims regarding a "clean and healthy" home along with the pictured Clorox chevron logo on the product packaging conveys the message that Glad ForceFlex Plus trash bags incorporate a Clorox agent that contributes to odor removal and that the trash bags have additional cleaning and disinfecting benefits.

The Advertiser argued that the claim on the Amazon product page when viewed in context is not a disinfecting claim but rather communicates a message that the bags are a useful tool to throw away trash as you clean your home because the bags are strong, eliminate odor and have a great scent.<sup>9</sup> Likewise, Glad argued that the claim on Glad's own website that the bags "keep your home feeling clean and healthy" is a subjective claim that ties the feeling of a cleaning and healthy home to the odor elimination that Clorox provides. Glad contended that consumers associate a home with the trash neatly controlled and smelling pleasant with a clean and healthy home.

Health and safety claims, especially those pertaining to disinfecting capabilities are of utmost importance to consumers. Such importance is only heightened considering that the Covid-19 virus remains a threat in our communities.

It is well settled that advertisers are responsible for all reasonable interpretations of claims made in its advertising, including those messages they may not have intended to convey.<sup>10</sup> NAD recognized that while these claims are worded differently they both convey the message that Glad's ForceFlex Plus with Clorox trash bags contribute to a "clean and healthy" home. By stating that the products contribute to a "healthy" home, consumers could interpret that the product provides a "health" benefit, i.e., that it has disinfecting properties. Further, the focus on "clean" in the context of the word "healthy" conveys a message that the Clorox in the product cleans, and not simply that consumers use trash bags to clean. For these reasons, NAD concluded that the "clean and healthy" home claim could reasonably convey the unsubstantiated message that the Glad ForceFlex Plus with Clorox trash bags contain disinfecting properties.

As a result, NAD recommended that Glad discontinue the claims that Glad ForceFlex Plus with Clorox trash bags help consumers "maintain a clean and healthy home" and "keep your home feeling clean & healthy" or modify its website and third-party retail website advertising to avoid conveying the message that ForceFlex Plus with Clorox trash bags contain disinfecting attributes that contribute to a

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<sup>9</sup> Glad argues that the first bullet point touts the strength of the bags, the second bullet highlights the odor elimination benefits and the third touts the specifically developed clean scent.

<sup>10</sup> *Charter Communications, Inc. (Spectrum Internet Speed)*, Report #6948, NAD/CARU Case Reports (May 2021).

clean and healthy home. However, nothing in this decision prevents the Advertiser from describing the odor elimination benefits provided by its trash bags.

#### *D. Amazon Video Advertisement*

Reynolds also challenged a 20-second video advertisement for the ForceFlex Plus with Clorox trash bags that appears on Amazon's product page. The video opens with a beauty shot of the product packaging<sup>11</sup> and the voiceover states, "For the first time ever get the odor-fighting power of Clorox and Glad's strongest kitchen trash bag." The visual then shows a Glad ForceFlex Plus bag with both a Glad logo and Clorox logo on it, as well as three horizontal electrified rings that surround the bag.

The visuals then change to animation illustrating the exterior of the trash bag with small green and brown solid balls and blue "molecular structure" balls. One of the green balls labeled "leftover pizza" gets captured by a blue "molecular structure" ball and a clear ring labeled Clorox surrounds it. The green ball turns blue and the label changes to "clean smell" as it is released by the "molecular structure". During the animation the voiceover states "Glad Force Flex Plus with Clorox eliminates food and bacterial odors with Clorox Protection" and the visual shows the claim "eliminates food and bacterial odors with Clorox Protection." The visuals then change to feature the RipGuard and LeakGuard logo and the voiceover states "and provides superior strength against rips and leaks." The commercial ends on the same beauty shot of the product packaging from the beginning of the video and the voiceover states "Buy Glad ForceFlex Plus with Clorox today."

The Challenger argued that Clorox-labeled "molecular structures" transforming the green balls appear as germ-transforming technology and communicate to consumers that the ForceFlex Plus bag contains a protective Clorox agent that provides health and safety benefits, namely protection from germs and other microbes. Reynolds maintained that the prevalence of the Clorox logo created a Clorox-related halo effect that consumers could associate with the germ-killing benefits of Clorox bleach products.

Glad argued the animation is narrowly focused on odor elimination and does not convey the message that the "molecular structures" in the video kill bacteria. Rather, they are clearly shown to change a bad smell of leftover pizza into a clean smell.

NAD found that the advertisement conveys both an odor elimination message and a disinfecting message. The opening language explains that consumers can get "the odor-fighting power of Clorox" in Glad's ForceFlex Plus bags and clearly ties the Clorox brand to the odor elimination benefit it provides. However, the animation that follows depicts a typical germ-fighting scenario that consumers could reasonably interpret as a shift from a message of odor elimination to one of disinfection. At least one reasonable takeaway from the animation is that the "molecular structure" balls labeled with the Clorox logo capture brown and orange balls that represent bacteria and change them into something blue and clean. The animation moves quickly and consumers may reasonably miss the small type identifying the green ball as "leftover pizza" being turned into a "clean smell."

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<sup>11</sup> The packaging featured has the Glad logo at the top of the label along with the product name. The Clorox logo appears at the bottom of the pictured trash bag with the claim "eliminates food & bacterial odors" immediately below the Clorox logo. Immediately below the claim on a yellow bar "Lemon Fresh Bleach Scent" appears.

NAD also determined the voiceover during the animation which states “Glad ForceFlex Plus with Clorox eliminates food and bacterial odor with Clorox protection” contributes to the dual message of odor elimination and disinfection. The pause between “Glad ForceFlex Plus with Clorox eliminates food and bacterial odor” and “with Clorox protection,” along with the visuals, could reasonably convey the message that “with Clorox protection” refers to an additional disinfecting benefit, not just odor elimination. Additionally, the double reference to Clorox within the claim could be confusing to consumers. At least one reasonable interpretation in context with the visuals, is that the first mention of Clorox refers to odor elimination and the second refers to an additional germ-fighting benefit.

NAD determined that the combination of visuals of a typical germ-fighting scenario along with the words “with Clorox protection” could reasonably be interpreted by a consumer to mean there is an added cleaning or disinfecting benefit provided by the trash bags, a message that is not supported by the record. NAD recommended that Glad discontinue or modify the depiction of the “germ-fighting” style imagery and use of the term “with Clorox protection” to make clear that the benefit being promoted is an odor elimination benefit and not a disinfecting one.

#### *E. Cleaning Commercial*

Reynolds also challenged Glad’s 30-second television commercial for its ForceFlex Plus with Clorox bags titled “Cleaning Commercial.” The commercial begins in a kitchen with two men moving their stove. On screen text states “It’s all Glad with Clorox,” featuring both the Glad and Clorox logos in place of the words. The voiceover states, “New Glad with Clorox keeps all your trash all under control even when deep cleaning freaks you out, freaks your cat out and somehow freaks great Uncle Ruben out.”

The music becomes dramatic as the camera shows a filthy mess of dirt and debris behind the stove, including a stuffed bear’s head in the middle of the mess. The cat then spills milk onto the mess and a picture falls off the wall and shatters onto the mess. One of the men recoils with disgust at the scene. As the men clean the mess with gloved hands and toss the debris into the trash can the voiceover states, “Even when everyone is freaking out, all your trash is all under control.” The visuals show one of the men picking up the bear head and a young girl is revealed holding her headless stuffed bear. Superimposed over the action is a Clorox logo with the claim “eliminates food & bacterial odor.” A super appears on the bottom of the screen that states “This product is bleach-free.” The commercial ends with a product shot, showing a package of the ForceFlex Plus bags and a large visual of a full trash bag with the words “It’s all Clean, with Clorox.” The word “Clean” then changes to read “Glad”, so that it reads “It’s all Glad with Clorox.” The voiceover states “It’s all Clean, it’s all Glad.” The last 2 seconds of the commercial shows the young girl holding her stuffed bear with its head, previously brown and dirty, now clean, spotless and white, re-attached to its body.

The Challenger argued that the commercial bombards the viewer with images and audio cues about cleaning and sanitizing so that the consumer takeaway is that the Glad bags contain a protective Clorox-related agent that protects against germs and other harmful microbes. Reynolds added that the visual of the electrified rings surrounding the ForceFlex Plus bags also represents a force field of sanitizing power and protection associated with the Clorox co-branding. Likewise, the stuffed bear shown at the end of the commercial with a clean, seemingly bleached, re-attached head conveys the message that the trash bags are able to sanitize and clean items that are put inside the bags. Reynolds further argued that the text “It’s all Clean with Clorox” that switches to read “It’s all Glad with Clorox”

does not convey a mere co-branding partnership but rather that the bags contain a sanitizing Clorox bleach agent.

Glad argued that such an interpretation was unreasonable and that no reasonable consumer would think that a trash bag cleans or sanitizes items that are put inside the bags. Further, Glad noted that the commercial also contains a visual disclosure stating “this product is bleach-free” to make clear to viewers that the product does not contain bleach. Reynolds argued that the disclosure does not cure the issue and actually contradicts the visuals of the commercial.<sup>12</sup>

In support of its interpretation of the challenged commercial, Reynolds commissioned a nationwide online consumer perception survey of 520 respondents from Ace Metrix to assess consumers’ understanding of and reaction to Glad’s “Cleaning Commercial”. The Challenger contended that the survey results demonstrate consumer confusion and that a substantial number of consumers take away a message that ForceFlex Plus trash bags contain bleach and provide a cleaning, disinfecting or antibacterial function.

The survey began with a series of standard screening questions after which the consumers were shown five commercials, one of them being Glad’s “Cleaning Commercial”.<sup>13</sup> After viewing the flight of commercials, the consumers were asked a series of more general questions about their reaction to the “Cleaning Commercial”. The consumers were then asked seven additional “custom questions” related to the challenged messages. Respondents were asked “Do you think Clorox is used on the product advertised in this commercial?”, with 71% answering “Yes”. When consumers were asked “which of the following messages, if any, were communicated in the ad?,” 49% of them responded “Glad Force Flex contains Clorox bleach in the bag.”<sup>14</sup> When asked about the primary message of the advertisement, the top two responses were “Glad ForceFlex contains Clorox bleach in the bag” (33%) and “Glad ForceFlex provides protection from germs and harmful microbes” (32%).<sup>15</sup>

Glad submitted a report from marketing research expert Dr. Bruce Isaacson critiquing the consumer survey and finding it was fatally flawed. Here, NAD agreed that the Challenger’s survey suffered from a number of flaws that render it unreliable to support the Challenger’s interpretation of the commercial as the survey does not accurately assess whether consumers take away a misleading message from the commercial.

The survey lacked a control cell which made it impossible to judge how much the survey results are impacted by noise. The survey also asked a series of leading questions that did not distinguish between

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<sup>12</sup> Reynolds argued that the super does not make an appearance until 22 seconds into the 30 second commercial after the Clorox logo appears several different times.

<sup>13</sup> The record does not identify the other four ads shown to the consumers, nor does it reveal in what order the consumers viewed the five ads.

<sup>14</sup> (39% responded “Glad ForceFlex provides protection from germs and harmful microbes” and 35% responded “Glad Force Flex controls odor in the bag”).

<sup>15</sup> In answering an open-ended question such as “What was the main message of this ad?”, consumers responded with comments such as “Trash bags with bleach infused or somehow in the bag to disinfect the trash as you throw it away[,]” “The main message was telling you about glad trash bags now has clorox bleach inside” and “The message of the ad was to show that Glad trash bags now contain Clorox to help hide odors coming from the trash bin.”

Clorox as a company, a brand and as a product, creating the potential that the questions themselves biased consumers to think of the Clorox bleach product, rather than the company or brand. Additionally, the survey population included consumers who do not purchase trash bags for their home and 18 out of 20 survey questions did not offer respondents a “don’t know/no option”.

Although Reynolds maintained that this type of consumer behavior survey is routinely used by major companies to yield data that provides the foundation for critical and costly decisions by marketing and business executives, NAD has found that market research to determine consumer behavior for corporate business decisions is not necessarily sufficient for claim substantiation.<sup>16</sup>

Absent reliable consumer evidence, NAD stepped into the shoes of the consumer to determine the message relayed by the advertisement.<sup>17</sup> NAD found that a reasonable consumer could take away an unsupported cleaning and disinfecting message from Glad’s “Cleaning Commercial”. The opening visuals and voiceover all refer to cleaning and, in fact, do not mention odor elimination until 22 seconds into the commercial. When odor elimination is mentioned, it is only in the visual claim “eliminates food and bacterial odors”—never in the audio.

In addition, the cleaning messages continued to dominate the end of the commercial when the Clorox logo is pictured without the odor elimination claim and phrases like “It’s all Clean, with Clorox,” “It’s all Glad with Clorox,” and “It’s all Clean, it’s all Glad” come together to end the commercial. The overall message of cleanliness focuses consumers not just on using trash bags to clean, but that this trash bag has added cleaning benefits usually associated with the Clorox brand because of its bleach. Further, a message related to the ability of Clorox bleach to clean and disinfect is reenforced in the last 2 seconds of the commercial by showing the young girl holding the stuffed bear with its head, previously brown and dirty, now bright white, clean and re-attached to its body. While consumers might not think the trash bag itself cleaned the stuffed bear head, the imagery reinforces consumers’ association with using Clorox bleach for cleaning and disinfection.

NAD determined that the brief, small-font visual disclosure “this product is bleach-free” does not cure the message that the Glad ForceFlex bags provide cleaning and disinfecting benefits of Clorox.<sup>18</sup> It is well settled that a disclosure cannot contradict the main message of an advertisement.<sup>19</sup>

NAD recommended that Glad discontinue its “Cleaning Commercial” as it conveys an unsupported cleaning and disinfecting message. NAD noted that nothing in this decision prevents Clorox from partnering with other brands to tout its innovative odor elimination technology, but that it should do so in a manner that makes clear what benefits are provided by the co-branding.

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<sup>16</sup> See, e.g., *Bausch & Lomb Incorporated (ULTRA Contact Lenses with MoistureSeal Technology)*, Report #5944, NAD/CARU Case Reports (April 2016) (noting that a study method can be valuable for developing and marketing products, but nonetheless be insufficiently accurate to measure consumer behavior to the level of specificity required as claim support).

<sup>17</sup> *Comcast Cable Communications, LLC (Xfinity Mobile 5G Wireless Service)*, Report #6833, NAD/CARU Case Reports (March 2021).

<sup>18</sup> The super does not make an appearance until 22 seconds into the 30 second commercial after the Clorox logo has been pictured several different times.

<sup>19</sup> *Novartis Consumer Health, Inc. (Theraflu Multi-Symptom Severe Cold)*, Report #5792, NAD/CARU Case Reports (December 2014).

#### **IV. Conclusion**

NAD found that Glad's ForceFlex Plus with Clorox product packaging that features the Clorox logo in close proximity to the claim "Eliminates Food & Bacterial Odors" along with the "Lemon Fresh Bleach Scent" did not require modification. NAD will treat the permanently discontinued digital image featuring the Clorox logo and the "Lemon Fresh Bleach Scent" label, without any connection to odor elimination, as though NAD recommended its discontinuance and the Advertiser agreed to comply.

NAD determined that the product-packaging for Glad's Quick-Tie bags with the CloroxPro logo did not convey a disinfecting message and therefore did not require modification.

NAD recommended that Glad discontinue the claims that Glad ForceFlex Plus with Clorox bags help consumers "maintain a clean and healthy home" and "keep your home feeling clean & healthy" or modify its website and third-party retail website advertising to avoid conveying the message that ForceFlex Plus with Clorox trash bags contain disinfecting attributes that contribute to a clean and healthy home.

NAD recommended that Glad discontinue or modify the depiction of the "germ-fighting" style imagery and use of the term "with Clorox protection" in the Amazon video to make clear that the benefit being promoted is an odor elimination benefit and not a disinfecting one.

NAD recommended that Glad discontinue its "Cleaning Commercial" as it conveys an unsupported cleaning and disinfecting message. NAD noted that nothing in this decision prevents Clorox from partnering with other brands to tout its innovative odor elimination technology, but that it should do so in a manner that makes clear what benefits are provided by the co-branding.

#### **V. Advertiser's Statement**

Glad agrees to comply with NAD's recommendations.

We thank NAD for their careful consideration of the Glad + Clorox advertising and for agreeing that Clorox and Glad are free to partner to deliver products that offer consumer innovative technology, upholding the fact that Clorox equity stands for a number of consumer benefits inside and outside the home. Glad and Clorox have invested heavily in their partnership to bring advanced odor elimination technology to Glad ForceFlex plus trash bags and we are pleased that NAD upheld Glad's right to claim that its Glad + Clorox product eliminates food and bacterial odors. We further appreciate NAD's finding that the packaging for Glad ForceFlex Plus with Clorox is not misleading and that the CloroxPro logo is reasonably understood to be a brand extension distinct from Clorox's traditional consumer product logo. Although Glad disagrees with NAD's criticism of certain advertisements, as a strong supporter of self-regulation, it will take NAD's recommendations into account in future advertising. **(#6996 JS, closed 01/03/2022)**