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Getting What You Deserve: A Handbook for the Assertive Consumer

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Getting what you deserve

A handbook for the assertive consumer

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I

Green giants and white knights: advertising

We have seen too many patterns of deception: in political life, impossible dreams; in advertising, extravagant claims; in business, shady deals.

— RICHARD NIXON (address at General Beadle State College)

. . . advertising is really a science and it is mostly a science of human motivation and behavior. When we get ready to pitch a new soap at you, we know more about what you do in your bathroom than your own wife or husband. Not only that, we know why you do it, how you do it, and what makes you do it. — CARL WRIGHTER, *I Can Sell You Anything*

Advertising may be described as the science of arresting the human intelligence long enough to get money from it. — STEPHEN LEACOCK

What would you think of a society which allocated billions of dollars every year for the purpose of giving “personalities” to inanimate objects? Where some of its brightest, most talented members spent their time making up songs and slogans about diapers, bathroom odors, loose dentures, dirty dishes, and floor wax? Where the population was exposed to hundreds of these silly messages every day? Would you willingly choose to live in such a society?

Whether we like it or not, that society is ours, and the raucous clamor of advertising intrudes, uninvited, upon all of our daily lives. The volume and variety of advertising is staggering: it is crowded into magazines and newspapers, radio and television shows, billboards, packages, handbills, matchbooks, T-shirts, sandwich boards, and almost every other available public space.

How did we get ourselves into such a state? Thousands of years ago, advertising was relatively straightforward. A baker would put up a sign in front of the bakery, with a simple picture portraying the goods available inside. The more enterprising merchants put signs on walls to attract public attention. A wall sign in ancient Pompeii, for example, announced:

THE TROOP OF GLADIATORS OF THE AEDIL WILL FIGHT ON THE 31ST OF
MAY. THERE WILL BE FIGHTS WITH WILD ANIMALS AND AN AWNING TO
KEEP OFF THE SUN.

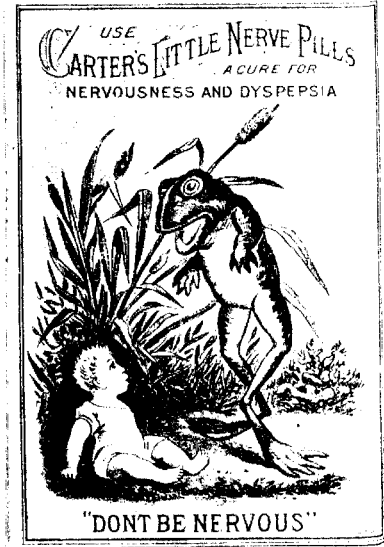
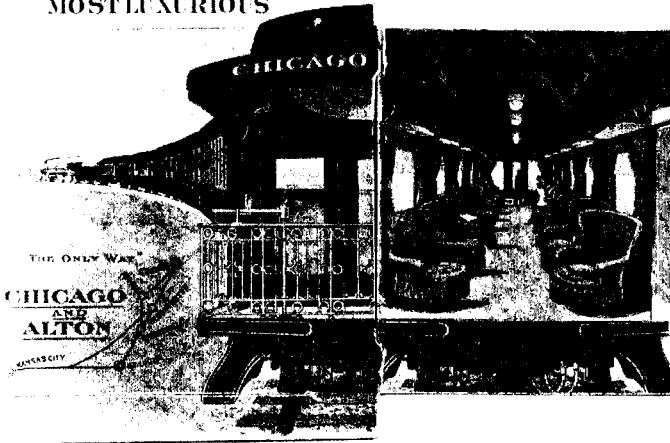
In the Middle Ages, merchants hired criers to walk in the streets and cry out their messages (perhaps the first singing commercials). It was not until the widespread use of the printing press, however, that advertising began to

grow to prodigious dimensions. By 1759, Samuel Johnson was moved to remark:

Advertisements are now so numerous that they are very negligently perused, and it is therefore necessary to gain attention by magnificence of promises, and by eloquence sometimes sublime and sometimes pathetic. Promise, large promise, is the soul of an advertisement.

Dr. Johnson was spared the assaults of radio and television advertising, which by volume and intensity dwarfed all prior efforts, and made advertising the dominant occupier of the public space.

MOST LUXURIOUS



G. REDWOOD,
MERCHANT TAILOR,
 329 MYRTLE AVE.,
 Near Cumberland St., BROOKLYN.
 Fine Clothing made to order. Fit Guaranteed.
 Special Bargains.



Trade cards used by early advertisers. (Museum of the City of New York)

DECEPTION IN ADVERTISING

Bogus claims and pretense have long found refuge in advertising. Ferretting out deceptive advertising is the job of the Federal Trade Commission. Unfortunately, the FTC's budget for this task is between \$2 and \$4 million a *year*, while total advertising in the nation exceeds \$3 billion a *month*. The nation's single largest advertiser, Procter & Gamble, spends approximately one hundred times more each year on its own advertising than the FTC does in monitoring all advertising of all companies. Investigations by the Commission are costly and notoriously slow.

Because the legal machinery to prevent misleading advertising is too weak and cumbersome to do the job, and because the monetary incentive to shade the truth is so great, few Americans believe all they read in advertising. Still, there are many tricks which elude public awareness and unfairly induce people to buy. The kinds of deception range from outright misrepresentation to optical illusions made possible by modern photographic and film techniques. A sampler of deceptive practices follows.

OUTRIGHT FALSITY

One of the most outrageous examples of pure deception in advertising was the case of Listerine mouthwash. The product first went on the market

ADVERTISEMENT

FTC NOTICE

As a result of an investigation by the
Federal Trade Commission into certain allegedly
inaccurate past advertisements
for STP's oil additive, STP Corporation
has agreed to a \$700,000 settlement.
With regard to that settlement,
STP is making the following statement:

It is the policy of STP to support its advertising with objective information and test data. In 1974 and 1975 an independent laboratory ran tests of the company's oil additive which led to claims of reduced oil consumption. However, these tests cannot be relied on to support the oil consumption reduction claim made by STP.

The FTC has taken the position that, in making that claim, the company violated the terms of a consent order. When STP learned that the test data did not support the claim, it stopped advertising containing that claim. New tests have been undertaken to determine the extent to which the oil additive affects oil consumption. Agreement to this settlement does not constitute an admission by STP that the law has been violated. Rather, STP has agreed to resolve the dispute with the FTC to avoid protracted and prohibitively expensive litigation.

in 1879. For the next hundred years, its makers represented that it helped prevent and relieve colds and sore throats. Advertising campaigns boasted that Listerine “kills germs by millions on contact.” Unfortunately, as the Federal Trade Commission demonstrated, mouth bacteria (the “germs” referred to) don’t cause colds or cold symptoms. As for Listerine’s effect on sore throats, the same result would be achieved by gargling with warm water. The Commission ordered the Warner-Lambert Company, maker of Listerine, to state in its future ads that “Listerine will not help prevent colds or sore throats or lessen their severity.” This “corrective advertising” order is a new remedy for false claims in ads. We can only hope that it is a better cure for deceit than Listerine was for colds.

ILLUSIONS

Pictorial illusions abound in advertising. A friendly camera eye can enhance the size, shape, and physical attractiveness of any person or any thing. On television, cars look longer and roomier. With the proper camera angle, the interior of a Buick can be made to resemble the flight deck of an aircraft carrier. Prepared foods are invariably more appetizing on the screen than on the table; even dog food looks like the king’s dinner. Toys and games are bigger and more impressive than they are in real life, an illusion reinforced by grossly oversized packaging. The list could go on and on. In the world of pictorial advertising, what you see is not even close to what you get.

CLAIMS OF UNIQUENESS

A great number of goods competing in the marketplace are so similar to each other that they are, for all practical purposes, indistinguishable. Some products are literally identical. As an advertising copy writer (interviewed by Studs Terkel in *Division Street: America*) stated: “One of our clients puts out a product in three different boxes. It’s the same stuff, comes out of the same tube. It goes into different boxes with different labels. One advertising agency has one name to sell, another agency has another name to sell, and we have the third.”

Advertisers of goods which are virtually identical to their competitors’ depict their products as better than the rest nonetheless. Some do this by using statements that sound comparative but really are not. For example, one pharmaceutical firm claimed that its brand had “twice as much” of the pain reliever doctors recommend most. It never said twice as much as what. In fact, its competitors used equal amounts of the pain reliever.

Another common trick is to select a common characteristic of the product and pretend that it is unique to one brand. Thus, an airline advertises a “super-saver” fare which sounds like a unique bargain—until you discover all airlines are charging the same price. Or a bank says it’s offering the “highest rates” on savings accounts, but the apparently fabulous rates are duplicated by every bank on the block. Phony exclusivity claims like these have been used to sell bleach, household cleaners, toothpaste, aspirin, and a host of other functionally identical products.

CLAIMS OF NEWNESS

In response to the most commonly asked question in our society ("What's new?"), and in order to arouse our curiosity, advertisers regularly claim that their products are "new." The oldest product on the market is called "new" if the maker changes its color, alters its formula in some trivial way, redesigns the package, or makes any other superficial change in its appearance. Other synonyms for "new" which are equally enticing but often meaningless include: "introducing," "for the first time," "now, it's here," "announcing," "a revolutionary development," "improved." The misleading use of these terms is rampant, but law enforcement agencies do not have the time or staff necessary to prove the claims are false.

HERMAN



"What exactly is 'new, improved lettuce?'"

RIGGED DEMONSTRATIONS

In a television commercial a few years ago, a man applied a well-known shaving cream to a piece of rough, gritty sandpaper. With a single stroke of the razor, the sandpaper immediately became smooth. A convincing demonstration of the softening power of the lather? Yes. True? No. The "sandpaper" was really Plexiglas, with sand on top. The demonstration which viewers saw with their own eyes *never happened*, nor could it, unless the

sandpaper was first soaked in water for an hour and twenty minutes. The entire exercise, shown on television to millions of Americans, was a fraud.

The perpetrator of this hoax was not a fly-by-night huckster looking to make a quick buck. It was the Colgate-Palmolive Company, one of the nation's largest makers of consumer products.

Many other ads feature the results of scientific "tests" which prove the superiority of a product. Too often, the tests are not properly performed, using invalid testing procedures, no control groups, and biased "testers" who are seeking a "favorable" outcome. Results obtained are scientifically unreliable. Yet they have been used to support numerous claims, ranging from the safety of automobile tires to the efficacy of medicinal drugs.

DISTORTED LOGIC

A familiar drugstore product advertised itself as the preferred pain relief for headache. Its support? A test at a major medical center which showed it was very effective for "pain other than headache." The illogical connection didn't faze the confident announcer, and many casual listeners, not paying close attention to every word, may have assumed the test was for headache pain.

Other ads ask the consumer to draw imprecise or irrelevant analogies. Even if a shaving cream works on sandpaper, what guarantee is there that it works on a man's beard? Sandpaper and whiskers are not very much alike, but the advertiser relies on our susceptibility to logical fallacies.

HALF-TRUTHS

The maker of a hair restorer advertised that the product was effective against "the second most common form of baldness." What the ad didn't say was that the first most common cause, heredity, is responsible for nearly *all* baldness in American men. Thus, only a minuscule percentage of men can be helped by the advertised product. This slippery claim, telling only part of the truth, deliberately left a false impression about the usefulness of the product.

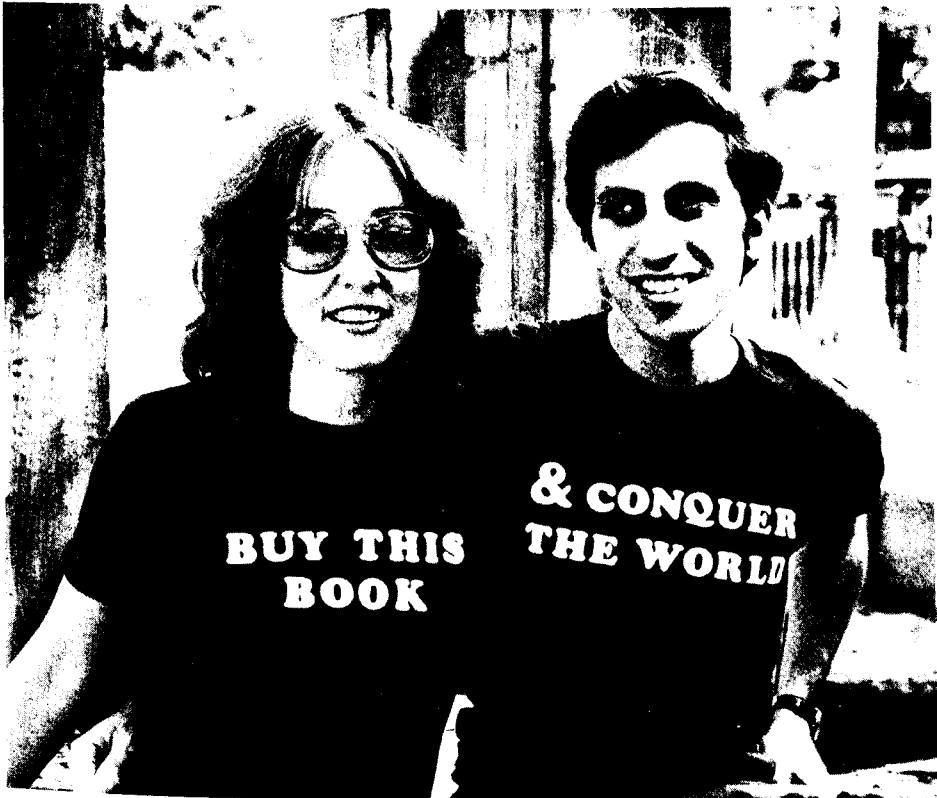
A similar claim by the makers of Geritol precipitated a fourteen-year battle with the Federal Trade Commission. The ads proclaimed that Geritol was the perfect remedy for "tired blood." According to them, if you felt tired, it might be due to iron deficiency anemia, and Geritol was for you. "You'll *feel stronger fast* . . . in just seven days." The ad didn't mention that of the many causes of fatigue, iron deficiency anemia ranked near the bottom of the list. If one felt tired, the odds were overwhelming that it was *not* caused by lack of iron, and therefore not curable by Geritol. The government finally ordered the company to stop making the claim without disclosing the full facts about the causes of tiredness. But the claim apparently was too profitable to give up. The company continued to produce similar commercials, and in 1976 it was forced to pay \$280,000 in civil penalties to the government, at that time the largest such penalty ever obtained for deceptive advertising.

EMOTIONAL ADVERTISING

Resisting the effect of advertising is extremely difficult, because modern advertising appeals more to emotion than to reason. Advertisers have learned that buying behavior depends upon irrational states of mind. Thus there has been a dramatic increase in the number of "informationless" ads. Data or facts have been replaced by psychological appeals and the creation of product "images."

Advertisers hope to generate a series of favorable associations with their goods. They concentrate on selling the *image* instead of the more mundane *product*. Cars, for example, are often named after wild animals, which are then featured in ads. Jaguars, cougars, and wildcats evoke all sorts of associations: they are free, confident, strong, virile, unafraid, wild, daring, and dangerous. The prospective car buyer, assumed to be a male, identifies, if only in his fantasies, with this image and irrationally transfers it to the inanimate chrome-and-steel beast which sits placidly on the showroom floor. The animal analogy works in the consumer's mind, not in reality. After all, how many real cougars are recalled for structural defects?

The reliance on imagery instead of fact extends to all sorts of products. A beer commercial shows a group of sportsmen hauling in a swordfish. Ac-



The authors shamelessly promoting their book. (Photo by Cliff Ratner)

According to the ad, the brand of beer they drink is somehow related to the kind of people they are (i.e., active, manly, gutsy). The emotional message: If you are, or wish you were, this kind of guy, then drink this beer. A soft-drink ad urges you to join "the Pepsi generation." If you're young, modern, carefree, sexy, and glad to be alive—or would like to be—then you can find your identity in a can of soda. Similar nonsensical messages sell toothpaste, mouthwash, hair spray, and dozens of other items, without the slightest mention of any relevant facts about the product. In these ads, the image is the message.

Image advertising is often resorted to when there is little or no difference between the advertiser's product and the competition. As ad executive David Ogilvy wrote: "The greater the similarity between brands, the less part reason plays in brand selection. There isn't any significant difference between the various brands of whiskey, or cigarettes, or beer. They are all about the same. And so are the cake mixes and the detergents, and the margarines. The manufacturer who dedicates his advertising to building the most sharply defined *personality* for his brand will get the largest share of the market at the highest profit."*

Thus we have whiskey, cigarettes, and beer with personality. The "Marlboro man" image, rugged virility in the great outdoors, lends animation and excitement to a piece of paper wrapped around some dried-out leaves. Another brand of cigarette attempts to link itself to the women's movement, with the theme "You've come a long way, baby." The ads feature slim, feminine, sexy, modern-woman types smoking a slender cigarette. Undoubtedly all of these qualities, as artificial and unrelated to the cigarette as they are, make a much deeper impression than the other message in the ad: that smoking cigarettes (even "feminist" cigarettes) causes cancer. The latter message, required by law, appears in a stilted written text without pictures, and unfortunately doesn't satisfy any psychic needs.

Psychological appeals have made the greatest inroads in television commercials, where our own immature fantasies and deep-seated desires are paraded in front of us daily. Housewives tired of their drudgery watch a fantasy of rescue and adventure in the form of a white knight on a magnificent charger stampeding into the kitchen. The thrill is not really from the Ajax detergent he brings, but the subconscious will finish the fantasy and thank Ajax by buying it. This ridiculous commercial was the subject of many jokes and ribaldry at the time, but no matter how many people consciously dismissed it as ridiculous, one fact is undeniable—the commercial worked. Whatever the sophisticated modern housewife *thought* about the pitch, something less sophisticated and more emotional in her responded, and she bought. Before long, commercials presented all manner of bizarre events in the kitchen: doves flying in windows, white tornadoes sweeping everything clean, even a coronation in which the bedraggled housewife is crowned a queen. Clearly these ads are not appealing to our reasoning power; emotion, fantasy, and wish fulfillment are the new tools of the advertiser's trade.

* David Ogilvy, *Confessions of an Advertising Man* (New York: Ballantine Books, 1971), p. 89.

100 LEADING NATIONAL ADVERTISERS (ad dollars in millions: 1977)

1 Procter & Gamble	\$460.0	51 Loews Corp.	\$ 66.1
2 General Motors Corp.	312.0	52 H. J. Heinz Co.	65.8
3 General Foods Corp.	300.0	53 Esmark Inc.	65.0
4 Sears, Roebuck & Co.	290.0	54 Schering-Plough	63.0
5 K mart	210.0	55 Quaker Oats Co.	60.8
6 Bristol-Myers Co.	203.0	56 Hanes Corp.	60.3
7 Warner-Lambert Co.	201.0	57 Campbell Soup Co.	60.0
8 Ford Motor Co.	184.0	58 Borden Inc.	59.3
8 Philip Morris Inc.	184.0	59 Jos. Schlitz Brewing Co.	59.1
10 American Home Products Corp.	171.0	60 SmithKline Corp.	57.6
11 R. J. Reynolds Industries	164.7	61 Nissan Motor Co.	57.0
12 General Mills	160.5	62 Avon Products	55.0
13 Richardson-Merrell	148.8	63 Volkswagen of America	52.7
14 Unilever	145.0	64 CPC International	51.0
15 Mobil Corp.	142.8	64 Mars Inc.	51.0
16 American Tel. & Tel. Co.	132.0	64 Standard Brands	51.0
17 Norton Simon Inc.	127.1	67 Greyhound Corp.	50.8
17 Chrysler Corp.	127.1	68 Toyota Motor Sales U.S.A.	49.2
19 PepsiCo Inc.	124.0	69 S. C. Johnson & Son	48.9
19 RCA Corp.	124.0	70 Clorox Co.	47.9
21 Beatrice Foods Co.	123.0	71 Miles Laboratories	46.5
22 McDonald's Corp.	122.2	72 Union Carbide Corp.	46.1
23 Colgate-Palmolive Co.	120.0	73 American Express Co.	46.0
24 U.S. Government	116.2	74 Time Inc.	45.9
25 General Electric Co.	112.2	75 North American Philips Co.	44.0
26 Heublein Inc.	106.5	76 Polaroid Corp.	38.9
27 Int'l. Tel. & Tel. Corp.	104.7	77 A. H. Robins Co.	38.8
28 Gulf & Western Industries	100.6	78 Mattel Inc.	38.5
29 J. C. Penney Co.	100.0	79 Pfizer Inc.	37.5
30 Kraft Inc.	99.0	80 Squibb Corp.	37.1
31 Nabisco Inc.	96.4	81 Morton-Norwich	36.1
32 CBS Inc.	96.3	82 Exxon Corp.	35.3
33 American Cyanamid	96.0	83 Noxell Corp.	33.3
34 Goodyear Tire & Rubber Co.	93.9	84 Eastern Airlines	32.5
35 Johnson & Johnson	91.8	85 Carnation Co.	31.9
36 B.A.T. Industries	91.3	86 American Motors Corp.	31.5
37 Gillette Co.	90.0	87 Kimberly-Clark Corp.	31.1
38 Coca-Cola Co.	89.0	88 Wm. Wrigley Jr. Co.	31.0
39 Pillsbury Co.	85.8	88 Block Drug Co.	31.0
40 Eastman Kodak Co.	85.5	90 Beecham Group	30.8
41 American Brands	84.0	91 UAL Inc.	30.3
42 Ralston Purina Co.	80.7	92 American Airlines	28.9
43 Revlon Inc.	80.0	93 ABC Inc.	26.8
44 Seagram Co.	78.0	93 Shell Oil Co.	26.8
45 Anheuser-Busch	75.4	95 Trans World Airlines	26.5
46 Sterling Drug	72.0	96 Consolidated Foods Corp.	25.9
47 Nestle Enterprises	71.3	97 Delta Air Lines	25.7
48 Kellogg Co.	69.8	98 Scott Paper Co.	25.5
49 Liggett Group	68.4	99 Honda Motor Co.	23.6
50 Chesebrough-Pond's	67.3	100 E. & J. Gallo Winery	22.0

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INSTITUTIONAL ADVERTISING

Not all advertising tells you to go out and buy a particular product. Some of the more subtle ads aim at making you remember a name, favorably, so

that you'll turn to the seller when the need arises. Thus there are funeral homes which promise "dignified, loving care for members of your family," banks which promise to "be your friend," and medical insurers who tell you how much they are doing to hold down hospital costs. Even public utility companies have gotten into the habit of buying magazine and newspaper space to tell their users what fine and public-spirited outfits they are—all at the users' expense!

Much corporate advertising relates to issues rather than to products. The oil companies, for example, have spent many advertising dollars trying to convince the public that their analysis of the national energy crisis is correct. Their ads, of course, carefully select some favorable facts and statistics, and screen out unfavorable ones (as do their product ads).

A campaign by several insurance companies not long ago illustrated the pitfalls of this kind of advertising. As part of a nationwide effort to change state laws so that victims of accidents would recover less, the companies took out ads explaining how their proposals would lower insurance rates for everyone. They so twisted the facts and misrepresented the actual situation that they were called to task by a congressional subcommittee for their misleading statements.

The fact is that profit motivates this kind of advertising just as much as it does any other kind—and just as much skepticism about its trustworthiness and reliability is in order.

ADVERTISING TO CHILDREN: SELLING CANDY TO BABIES

On Saturday morning at 7 A.M. you are probably in bed. But: do you know where the children are? If your slumber is undisturbed, they're probably watching television, where, away from your watchful eye, the snack-food manufacturers and the toy industry are barraging them with powerful messages. The average two- to eleven-year-old in this country watches over 1,300 hours of television annually. This includes a staggering 20,000 commercials. Teams of researchers, psychological testers, ad agency personnel, visual arts experts, and communications specialists orchestrate this massive selling effort which costs advertisers hundreds of millions of dollars annually. The sophisticated ad campaigns they produce are aimed at an audience which literally cannot think straight. The youngest listeners don't even understand the selling purpose of commercials. All they know is that the friendly fairies, elves, talking animals, and cartoon characters they love want them to eat candy.

A huge number of ads directed to kids are for sweets—breakfast cereals loaded with sugar, chocolate drinks, cookies, cakes, and snacks of all kinds. In a nine-month study of daytime weekend food commercials, the Council on Children, Media and Merchandising reported that the three networks aired *four* advertisements for meat, cheese, and vegetables, and 5,459 for sugared cereals, candy, and gum.

In 1978, the FTC initiated an investigation into the ethics and honesty of children's advertising. Preliminary staff findings support the need for severely restricting the huckstering that influences children to do the advertisers' bidding. The staff found evidence that TV ads

- ◆ promote non-nutritious junk foods and sometimes denigrate healthful ones (one ad for a cream-filled cookie showed a fruit peddler tasting the cookie, smiling, and throwing away his cartful of fresh fruit).
- ◆ exploit children's ignorance of the relation between sweets and tooth decay and of the value of good eating habits in general.
- ◆ undermine the parent-child relationship by creating conflicts over food and generate resentment against parents who deny their offspring advertised products.
- ◆ encourage the lifelong addiction to sugar characteristic of virtually all Americans (our sugar consumption is 126 pounds per person every year!).
- ◆ manipulate children into becoming little sales agents for the advertisers (one ad executive states: "When you sell a woman on a product and she goes into the store and finds your brand isn't in stock, she'll probably forget about it. But when you sell a kid on your product, if he can't get it he will throw himself on the floor, stamp his feet and cry. You can't get a reaction like that out of an adult." FTC report).

To remedy all of this, the FTC is considering a rule which would ban all televised advertising directed at children under eight; prohibit ads to children of any age for products posing a serious risk to dental health; and require advertisers of decay-causing foods to disclose this negative aspect of their products.

In the meantime, kids are on their own. Your best course of action may be to sit with them as they watch and ask what they think about the programs and commercials they see. If they're taken in by the sweet-faced panda selling chocolate-flavored garbage, tell them what's really going on. The littlest consumers need consumer education too.

BETTER WAYS OF CHOOSING PRODUCTS

Advertisements are designed to sell, not to convey information. Thus advertisers regularly play with statistics, tell half-truths, and, on occasion, lie. Other, more reliable sources of data on products exist, but you have to seek them out: they don't come after you, as commercials, billboards, and other advertisements do.

There's no way of buying wisely without doing a little homework. The larger the purchase, the more time you'll need to invest.

Here are several worthwhile sources of buying information:

1. Periodicals. The best-known and most reliable consumers' guide is *Consumer Reports*, a monthly magazine put out by Consumers Union, an organization which does objective research and product testing in its own laboratories. Some articles rate specific products, others deal with consumer

issues generally. The magazine has 1.75 million subscribers who pay \$11 a year for 11 issues plus a December *Buying Guide*, a paperback book synopsis of the year's findings. Buy it on newsstands or subscribe (write to Subscription Department, *Consumer Reports*, P.O. Box 1000, Orangeburg, N.Y. 10962).

An excellent overview is contained in an annual paperback publication called *HELP: The Useful Almanac*, published by Consumer News, Inc. (Washington, D.C. 20045).

2. Government and consumer group publications. Market surveys and buying guides are useful when available. State and local agencies are another source of objective information. And Uncle Sam has a good deal to offer—there are a plethora (256 at last count) of federal publications, available free or at low cost, dealing with such diverse topics as what to look for in buying tires, how to create playground equipment out of junk, and reading food labels. The quality varies as widely as the topics. To see what's available, send for a free brochure, *The Consumer Information Catalog* (write to Consumer Information Center, Pueblo, Colo. 81009).

3. Comparison shopping. By looking around, especially when you've decided not to purchase yet, you can often learn a lot. Whenever possible decide on a replacement item (even if you don't want to spend the money until absolutely necessary) before an old one wears out. Buying in a hurry is often a losing proposition, but you have no choice when your hair dryer disintegrates and it's choose quickly or go to work with soggy locks.

4. Asking friends. People whose judgment you trust and who have used a product can give you valuable information. The most dependable goods and the most reliable services often don't need any advertising other than word of mouth. So keep your ears open, and when you find something good, spread the word.

COMPLAINING ABOUT ADS

What can the individual consumer do when outraged by offensive, tasteless, or deceptive advertisements? The first line of defense is: *don't buy the product*, and tell the advertiser *why* you're not. If more people reacted this way, we might see fewer annoying and insulting advertisements. Second, if you find the product does not measure up to the promise made for it, complain to the advertiser, the medium in which you saw the ad, and your local consumer protection agency. If the ad is on national television, complain to the Federal Trade Commission, Bureau of Consumer Protection, Washington, D.C. 20580.

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