

ASA Adjudication on E&L Distribution Ltd

E&L Distribution Ltd t/a LeoLites

245a Coldharbour Lane
Unit S8
London
SW9 8RR

Date:

13 August 2014

Media:

Poster

Sector:

Leisure

Number of complaints:

1

Complaint Ref:

A14-266193

Ad

A poster ad, on a bus shelter, for a brand of e-cigarettes. Text in the ad stated "E-CIGARETTES HAVE EVOLED. LEOLITES.COM. LOVE YOUR LUNGS".

Issue

The complainant, who believed that the claim "Love Your Lungs" implied that there was evidence that the product was not harmful and that its use was beneficial to the health of users' lungs, challenged whether this was misleading and could be substantiated.

CAP Code (Edition 12)

[3.13.7](#)

Response

E&L Distribution Ltd t/a Leolites said that they wanted the tagline to be relevant to the product and the action of inhaling vapour into the lungs. They further stated that they wanted to make the ad catchy and alliterative.

Leolites believed that there was no health claim being made in stating "Love Yours Lungs" in their ad as they did not include statements that their product would improve users' health or was beneficial to the health of their lungs. They did not believe that consumers would regard the claim, which implied that the product was harmless, as one that would need to be supported by evidence. They also said that, even if the ad was perceived as implying that e-cigarettes were less harmful than traditional cigarettes, which they did not believe it did, it did not imply complete harmlessness as the complainant suggested.

Leolites stated that the tagline "Love Your Lungs" did not constitute a direct or implied claim of a health benefit and did not believe that the claim was misleading or required substantiation. They believed that common sense showed that "Love Your Lungs" should not be taken as an implication that the product was harmless or beneficial to health.

Assessment

Upheld

The ASA noted Leolites' comments that "Love Your Lungs" was not intended to be a direct or implied health claim and that it was intended to relate to the action of using an e-cigarette.

We noted that the ad did not make any reference to or comparison with traditional tobacco cigarettes or explicitly make any claims relating to the resulting health benefits of using Leolites products.

However, we considered that consumers who were looking to purchase e-cigarettes were likely to consider the products' impact on health when making a decision to make such a purchase. We also considered that potential customers who were existing smokers were likely to consider the effects of using e-cigarettes in comparison with the known harmful effects of traditional cigarettes on health.

Within the context of the ad, we considered that consumers, particularly those who were existing smokers, were likely to interpret the claim "Love Your Lungs" as meaning that Leolites e-cigarettes contained properties that were not harmful to their lungs or that they would experience an improvement in the health of their lungs if they used Leolites products.

We also considered that the claim could also be interpreted to mean that consumers should "love their lungs" by switching from traditional cigarettes, or, given the inclusion of the phrase "E-cigarettes have evolved", from other brands of e-cigarettes to Leolites products. The wording of the ad suggested a comparison between using Leolites products and traditional cigarettes or other brands of e-cigarettes, that implied Leolites products were less harmful to users' lungs.

We noted that we had not seen any evidence to demonstrate that Leolites products were beneficial to the health of users' lungs or that the products were less harmful than traditional cigarettes or other brands of e-cigarettes, as implied in the ad. On this basis, we considered the claim "Love Your Lungs" had not been substantiated and concluded the ad was misleading.

The ad was investigated under CAP Code (Edition 12) rules 3.1 (Misleading Advertising) and 3.7 (Substantiation) and was found to be in breach.

Action

The ad must not appear in its current form. We told Leolites to ensure that they did not use the claim "Love Your Lungs" or make any claims that implied their products were not harmful or were beneficial to the health of users' lungs in future ads, unless they held robust evidence to substantiate the claims.

[PreviousNext](#)