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Truth in Advertising: BP v. Royal Purple

By George Gill

Royal Purple Ltd. was black and blue after BP Lubricants USA took it to task over advertising claims for its synthetic motor oil, finding a receptive audience in the advertising industry's self-regulatory forum.

The National Advertising Division of the Council of Better Business Bureaus recommended Porter, Texas-based Royal Purple modify or discontinue numerous advertising claims for its synthetic motor oil, following a challenge by Wayne, N.J.-based BP Lubricants. The NAD examined comparative performance and superiority claims in print, broadcast and Internet advertising. In some of the advertising, Royal Purple compared its performance to Castrol, Shell, Amsoil and other motor oil brands.

NAD recommended that Royal Purple discontinue its use of consumer testimonials reporting specific performance attributes in the absence of reliable independent evidence showing performance capability.

"Anecdotal evidence based solely on the experiences of individual consumers is insufficient to support product efficacy claims, including claims related to horsepower, torque, fuel economy or engine heat," the organization stated. "While the advertiser may quote from published articles if it provides clear and conspicuous attribution to the publisher, it may not rely on such articles to support efficacy claims for which it has no reliable independent validation."

NAD recommended Royal Purple discontinue claims such as "Increases horsepower and torque by as much as 3 percent," "Reduces Engine Wear by 80 percent," "Superior Oxidation Stability" and "Provides Film Strength Up to 400 Percent."

"If industry-standard tests or tests with carefully documented controls were abandoned, there would be no basis whatsoever for making any meaningful claims about the relative efficacy of motor oils," BP said in its challenge.

NAD recommended that Royal Purple discontinue claims that stated, "Improves fuel economy by as much as 5 percent" and "Fuel economy improvement up to 5 percent or more" because its Environmental Protection Agency testing was inconclusive and the "Oklahoma State Study" and single cylinder Labeco CLR diesel engine testing cited in Royal Purple's advertising was not relevant. The NAD noted the 1997 OSU Study was "outdated and nothing in the record demonstrated that the formulations of the competitors' oils were similar to those available for sale on the market today."

BP Lubricants said it hired the independent laboratory Southwest Research Institute, in San Antonio, to analyze power output of gasoline engines with Royal Purple Oil and with BP's Castrol oil for comparisons. "The results were provided to the challenger's expert statistician who was not informed of the identity of the candidate oils," NAD stated. "The challenger's [BP's] expert determined a 0.9 percent difference in power between the oils, which did not rise to the level of statistical significance, and is well below the 3 percent claim made by the advertiser."

SwRI did additional tests to independently determine the differences in fuel economy, emissions data and engine temperature between Royal Purple and Castrol motor oils. According to SwRI, "there was no statistically significant difference between the fuel economy, emissions data or engine temperature between the two candidate oils," NAD said.

Following its review of the non-anecdotal evidence in the record, NAD recommended that Royal Purple discontinue the claims, "Reduces emissions up to 20 percent or more" and "Reductions in emissions of 20 percent or more" because the studies on which the claims were based were outdated and not consumer-relevant.

NAD also recommended the advertiser discontinue its unsupported claim that Royal purple motor oil is "API/ILSAC Certified." Noting that API and ILSAC licenses and certifications have many categories with different meanings, the NAD recommended that the company discontinue its claim that its synthetic oils are "generally 'API/ILSAC Certified.'"

In fact, no Royal Purple products are certified to current ILSAC specifications.

The American Petroleum Institute licenses its trademarked Service Symbol, or 'donut,' for display on qualified engine oils, and also licenses the ILSAC 'starburst' logo for oils that meet the auto industry's latest energy-

conserving standards. In API's online directory of licensees for its Engine Oil Licensing and Certification Program, Royal Purple has a total of 23 passenger car and diesel engine oil products listed, all licensed to use the API donut. Five of these may additionally display the words 'energy conserving' within the donut logo, but none of the Royal Purple products are licensable to the current ILSAC GF-4 specification and they cannot display the starburst logo.

Royal Purple also voluntarily agreed to discontinue the claims, "most advanced," "unsurpassed performance" and "unparalleled performance," steps the NAD said were necessary and proper to avoid confusion in the marketplace.

"While Royal Purple also believes that the tests and testimonials it supplied as evidence accurately portray the benefits of using its synthetic oil in a wide variety of applications, it defers to the NAD's position that those tests and testimonials alone are insufficient to support specific performance attribute claims in consumer advertising," the company said in its response to NAD. "... [Royal Purple] has already made changes to its advertising in accordance with the NAD recommendations and will continue to implement NAD's recommendations and analysis in developing Royal Purple's future advertising."

BP Lubricants did not return phone calls from Lube Report requesting comment on NAD's decision.

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