

# Case ethics

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## Case Brief

McNeil PPC, Inc. v. Pfizer Corporation

351 F. SUPP. 2D 226 (S. D. N. Y. 2005)

Facts: McNeil PPC, Inc., the market leader and manufacturer of dental floss, is challenging Pfizer Corporation's claim in its marketing campaign that their new mouthwash Listerine is equally effective as floss in cleaning plaque and gingivitis present between the teeth. Pfizer supports this argument through two clinical studies conducted for them. ADA recommends using Dental floss for cleaning plaque from between the teeth. However, consumers find it difficult to use floss. Since the time of launch of the mouthwash, sales of dental floss have declined. The studies conducted by Pfizer excluded people suffering from severe gingivitis.

Decision Below: The district judge ruled in favor of McNeil PPC, Inc. and granted injunction to stop Pfizer from running the advertisements. (Jennings)

Legal Issue: Is Pfizer's advertisement campaign of Listerine misleading consumers in believing that it is as effective as a dental floss for cleaning between teeth and posing a public health risk?

Holding:

Affirmed Analysis: The visuals in the advertisement and claims based on the two sponsored clinical studies mislead the consumers into believing that the liquid mouthwash is just as effective in cleaning plaque and gingivitis as dental floss is. However, the ADA thinks otherwise and still recommends

using dental floss. The advertisement campaign posed a public health risk by undermining the efforts of dental professionals and ADA to encourage use of dental floss to improve dental health of general public. The clinical studies conducted to support the claim provide inadequate proof to support the claim. Broad generalizations have been drawn based on the results of these studies, hence they cannot be claimed to be true.

Personal Opinion: I agree with the court's decision to grant injunction to stop Pfizer from running the advertisement campaign. Although Pfizer did use a caution note in its campaign, but Pfizer was implicitly claiming that the mouthwash was as effective as dental floss which is not true. The clinical studies are not representative of the real world scenario hence cannot be relied upon.

#### References

Jennings, M. M. Business, its legal, Ethical and Global Environment. Cengage Learning.