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Keep a Skeptical Eye on 'Info' in Infomercials

James Turner, Special to The Christian Science Monitor

BOSTON— Infomercials have begun to gain an aura of legitimacy as well-known companies use the half-hour format to sell their goods, but a number of recent actions by the Federal Trade Commission (FTC) indicate that deceptive practices still pose a common problem.

Infomercials - program-length TV commercials - were once strictly denizens of late night TV, but they now sell mainstream products from major corporations such as Apple Computer. But "buyer beware" remains as relevant as ever.

Even as infomercials move into prime time, some companies still rely on misleading claims and deceptive practices to sell their products.

"When we started bringing actions against companies seven or eight years ago, we certainly hoped that we wouldn't need to still be doing it today," says Leslie Fair, an attorney at the Federal Trade Commission's Division of Advertising Practices.

But after bringing action against 150 parties since 1991, the FTC's work seems far from done.

For example, a recent exercise infomercial claims the product helped a woman lose weight, but a disclaimer, in small type, explains that the product was used after initial weight loss. In other words, it didn't help the woman lose the weight at all.

According to Ms. Fair of the FTC, such disclaimers don't make up for an otherwise misleading statement.

Jessica Litman, an advertising law expert at Wayne State University in Detroit, agrees. "In order for a company to avoid charges of deceptive advertising, they would need to demonstrate that the disclaimer was seen and understood by most people watching the program.

And while hype is as old as advertising, Ms. Litman says many infomercials stretch beyond exaggeration into deception. "Lots of advertisers try to be literally true, but misleading," she warns, with statements that are technically accurate but designed to trick viewers.

For example, if an infomercial states that people using the advertised plant food have grown 20-pound tomatoes, then cites a study showing the product helps plants grow larger, consumers might believe that they can expect huge tomatoes.

In reality, the study may have only shown some negligible increase in size, but by placing two literally true statements next to each other, the ad can create a deceptive impression.

Sometimes, the claims are actually outright lies. In 1993, the FTC says it reached a \$275,000 settlement with National Media Corp. Among the charges: faked on-screen demonstrations for a blender product.

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The FTC says producers used crushed pineapple under a whole pineapple top to demonstrate how the product could crush a whole pineapple, and used commercial whipped cream mix in place of skim milk when showing how the product could whip skim milk into a desert topping.

Early this year, Mega Systems Inc. reached a consent decree with the FTC over a series of infomercials, including those for the Mega Memory and Mega Reading products. The agency said claims that the products had helped a brain-damaged child improve his learning ability were totally unsubstantiated. The settlements totaled \$1.6 million.

Despite such actions, which have included settlements with well-known names like Nordic Track and Conair, the FTC has a hard time keeping a close eye. "We watch around eight hours of infomercials every week or so," Fair says.

"Like any prosecutor or enforcement agency, they try to use their limited resources as best they can," Litman adds. "They tend to focus on cases that will send a strong message. They also concentrate on cases involving large sums of money, large numbers of people or vulnerable populations, like the elderly."

Consumers can turn to other agencies, in addition to the FTC. If they believe they are the victim of a misleading infomercial, they can contact the US Post Office Postal Inspection Service and their state attorney general. Purchasers can even take the companies to small-claims court. Fair also suggests complaining to the local television station that aired the infomercial.

In the end, the best defense may be skepticism. "The old saw is true," Litman says. "If it seems too good to be true, it probably is. Don't believe everything you read, and only half of what you see."

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