

Central Consumer Protection Authority (CCPA)
Ground Floor, CCPA Wing, Indian Institute of Public Administration, IP Estate
Ring Road, New Delhi- 110002

Ref. File No- J- 25/4/2021 – CCPA

IN THE MATTER OF

Suo Moto action

Opposite Party

Colgate- Palmolive India Limited,
Colgate Research Centre, Main Street,
Hiranandani Gardens, Powai,
Mumbai- 400076

CORAM:

MS. NIDHI KHARE, CHIEF COMMISSIONER
MR. ANUPAM MISHRA, COMMISSIONER

Dated - 16.09.2021

ORDER

1. The Central Authority has instituted the present case against Colgate - Palmolive India Limited (hereafter, '**Opposite Party**') for its advertisement which was broadcast on various media i.e. on Television, Facebook, Youtube regarding "Colgate Zig Zag Tooth Brush comes with 100% Anti-bacterial Bristles which keep germs off the brush and out of mouth" and for the another advertisement (Link: <http://www.colgate.com/en-in>) on its own website regarding "Colgate Toothpastes & mouthwashes neutralize the virus that causes COVID-19".
2. Accordingly, a Show Cause Notice dated 13th January, 2021 (hereafter, 'Show Cause Notice') was issued to the Opposite Party as to why action under Section 21 of the Consumer Protection Act, 2019 should not be taken against them for false claims made in their advertisements.
3. With reference to the alleged claim, Opposite Party submitted their response on 21st January 2021 wherein it was stated that, their claim regarding "**Colgate Zig Zag Tooth Brush comes with 100% Anti-bacterial Bristles which keep germs off the brush and out of mouth**" is well supported by SGS Laboratory Reports(Annexure A and C to the reply refers).

4. Further, Opposite Party stated that, Colgate Zig Zag Antibacterial Toothbrush (bristles) is infused with metal ion antimicrobial agents namely silver ion zeolites. These antibacterial toothbrush bristles inhibit the growth of environmental bacteria in both the situation i.e when the brush is outside of the mouth and when the same is sitting on the bathroom sink.
5. The Opposite Party in support of their claim has also submitted copies of publications showing the results of antibacterial tests for metal infused Zeolites as listed below:-

Annexure B1

Antimicrobial properties of zeolite-X and zeolite-A ion-exchanged with silver, copper, and zinc against a broad range of microorganisms

Annexure B2

Antimicrobial effects of silver zeolite, silver zirconium phosphate silicate and silver zirconium phosphate against oral microorganisms

Annexure B3

Antimicrobial Activity of Silver Ions Released from Zeolites Immobilized on Cellulose Nanofiber Mats

Annexure B4

Zeolites – Science Direct

6. Further, for another claim being advertised on company's own website (Link: <http://www.colgate.com/en-in>) regarding "Colgate Toothpastes & mouthwashes neutralize the virus that causes COVID-19", the Opposite Party in their reply has submitted that they had launched a research program (including both laboratory studies and clinical studies) to advance the science around whether oral care products (toothpastes, mouth rinses, and mouth sprays) containing certain ingredients may play a role in neutralizing the virus that causes COVID-19.
7. The Opposite Party further submitted that, they have made available answers to frequently asked questions on their website, so that all consumers can understand not just what Colgate's research shows, but also its limitations. Further they have stated that there is no evidence that any of the tested products can prevent, treat, or cure COVID-19, or alleviate its symptoms, and that such products are not intended to be used for these purposes. Opposite Party appropriately qualified and incorporated disclaimers in relation to the information available on their global website, which is clear, legible and prominently displayed to ensure that consumers are not misled or deceived. The disclaimer used is reproduced below:

“This article is intended to promote understanding of and knowledge about general oral health topics. It is not intended to be a substitute for professional advice, diagnosis or treatment. Always seek the advice of your dentist or other qualified healthcare provider with any questions you may have regarding a medical condition or treatment.”

8. The Central Authority forwarded the Opposite Party's Reply/report/documents/publications to the Director General (Investigation), CCPA on 08th March 2021, requesting them to examine the submissions made by the Opposite Party and inform Central Authority about correctness of their claims as given in the advertisement regarding **“Colgate Zig Zag Tooth Brush comes with 100% Anti-bacterial Bristles which keep germs off the brush and out of mouth”**. They further forwarded the report to Bureau of Indian Standards for detailed investigation.

9. In this connection the requisite investigation report has been received from Bureau of Indian Standards (Western Regional Office Laboratory) on 05th July 2021, wherein they have submitted Analysis report as below:

“Analysis

In respect of claim that Zig Zag Tooth Brush comes with 100 % Antibacterial Bristles which keep germs off the brush, the observation is as follows:

Claim	Supporting Documents/Justification given by firm	Comments
Colgate Zig Zag Tooth Brush comes with 100% Anti Bacterial Bristles	100 % Antibacterial bristles: Toothbrush is infused with silver ion zeolites. External lab reports confirming the antibacterial agents and its efficacy in each of the white (Page No, 79-84),	Silver ion is described as “Oligodynamic” as a result of its ability to exhibit bactericidal activity at minute concentrations and non-toxicity to eukaryotic cells. This property leads to

	<p>yellow(PageNo.B5-89), orange(PageNo.90-94) orange nylon bristles (AnnexA). Antibacterial Agent Action: Metal zeolites used in Colgate Zigzag Antibacterial toothbrush are of inert organic compounds that are widely used for their antimicrobial properties that is also confirmed by various publications showing the results of antibacterial tests for metal infused zeolites (AnnexB). Method Used: ASTM E 2149-2013a Determining the Antimicrobial Activity of Antimicrobial Agents Under Dynamic Contact Conditions. Test Organism: <i>E. coli</i> and <i>Staphylococcus aureus</i> Sample quantity: 1 g and/or 2 gm Result: *99% reduction in number of bacteria based on values from inoculum only control.</p>	<p>extensive use of silver in medical fields to prevent and treat variety of disease including infections (Page No. 33), bedding, toothpastes, Shampoos etc (Page No. 102). Zeolites are nanoporous alumina silicates composed of silicon, Aluminium and oxygen in a framework with cations, Water within pores. Their Cation contents can be exchanged with monovalent or divalent ions such as Ag^+, Zn^{2+} and Cu^{2+}, which are mainly responsible for the antimicrobial properties associated with zeolites. There are various silver containing inorganic materials such as Silver zeolites (AgZ), Silver zirconium phosphate silicate (AgZrPSi) and Silver zirconium phosphates (AgZrP) (Page No. 96). Zeolites as a carrier: It was observed that by decorating nanometer to micrometer scale Ag^+ ions exchanged zeolites on the surface of high porosity Nanofiber mats exhibit enhanced inactivation of bacteria (Page No. 107). By going through the documents provided by the Colgate Palmolive (India) Limited in support of their claim for antibacterial bristles and</p>
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		<p>mom literature available on internet, it is observed that the claim by the company is justifiable and correct as silver ion zeolites shows antibacterial activity which is stated to be infused in bristles of Colgate Zig zag tooth brush.</p>
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Conclusion:

From above it is observed that the claim by the company is justifiable and correct as silver ion zeolites shows antibacterial activity which is stated to be infused in bristles of Colgate Zig Zag tooth brush”.

10. Upon consideration of all the documents submitted by the Opposite Party and response from Bureau of Indian Standards no case of misleading advertisement is made out against M/s Colgate - Palmolive India Limited for its advertisement relating to their product “Colgate Zig Zag Tooth Brush” and their research program related to toothpastes & mouthwashes.
11. The case is disposed off accordingly.


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(Nidhi Khare)
Chief Commissioner


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(Anupam Mishra)
Commissioner