

June 2, 2006

Mr. Robert W. Matschullat  
Presiding Director  
The Clorox Company  
1221 Broadway  
Oakland, CA USA 94612-1888

Dear Mr. Matschullat

### **Brita's Canadian Advertising Campaign**

The current advertising campaign in Canada is based on a television commercial identified by the Brita Business Team leader as being the "glass" commercial. It provides visually a glass of water that empties and refills in concert with the sound of a toilet flushing and refilling. This is followed by a statement that tap water and toilet water come from the same source, and then poses the question "don't you deserve better?". The visual portion then switches to a Brita faucet mounted filter being used to fill a glass of water followed by the claim that the filter reduces 98% of lead, chlorine and sediments.

This Association, supported by the American Water Works Association and several of the provincially based municipal water Associations and others, have written to Mr. Robert Rizzo, the Brita Business Team Leader of Clorox Inc. located in Brampton, Canada stating that we find the commercial to be offensive and asking that it be withdrawn. Mr. Rizzo has responded negatively with the narrowly constructed argument that the commercial is factual. CWWA does not dispute the fact that tap water and water used for other domestic purposes (including flushing toilets) have the same source, nor that Brita Filters may reduce by 98% the stated contaminants. Our contention is that the perception explicitly created and fostered is that municipally supplied water while fit for flushing toilets is not suitable for drinking without the use of a Brita filter.

The Canadian Water Quality Association [of point-of-use and point-of-entry drinking water treatment manufacturers and distributors] agrees with this view and has also written to Mr. Rizzo requesting the withdrawal of the "glass" commercial. They have also received a negative response.

In addition to the "glass" commercial, the Brita Canadian advertising campaign includes a website - [www.youdeservebetter.ca](http://www.youdeservebetter.ca) - which illustrates (falsely) in a schematic house that the toilet is connected to a kitchen tap, and which has a series of imbedded pop ups including pictures of a man and a woman respectively irrigating a lawn and mopping a floor, asking "don't you deserve better than the water you pour on grass or ... than the water you use to mop the floor? The latter

mop image has also appeared as advertisements in two magazines directed towards homemakers - Canadian Living and Homemakers Magazine.

To repeat, our concern is that these advertisements mislead viewers and create the perception that municipally supplied water is not suitable for drinking without further filtration.

CWWA recognizes that for some persons and for some buildings there are legitimate reasons for using point-of-use or point-of-entry treatment systems. We see these products and their manufacturers as being partners in a larger process of ensuring that all Canadians have access to safe drinking water. CWWA's position statement makes that clear. I personally am the Chair of the NSF Joint Committee that sets standards for these devices, and there is a representative of the AWWA also on that Committee. Clorox has membership in that committee as does the Water Quality Association. This is not a competitive issue, it is one of concern for misleading and deceptive advertising.

We examined the Canadian Water Quality Association's promotional guidelines (which is the same as the US Water Quality Association) and found that the advertising materials breached the Guideline statement:

*Statements, either verbal or written, which are false, misleading, deceptive, fraudulent, or which falsely or deceptively disparage publicly or privately supplied water, bottled water, water quality improvement products or systems or other competitors or competitive produces, shall not be used.*

It was on this basis that the CWQA also wrote to Mr. Rizzo, and his refusal to recognize that the visual and audio aspects of the commercial *disparage publicly supplied water* calls into count the ethical aspects of the situation.

This led me to check the Clorox Company's governance website where I discovered the following statements:

*The Board must ... Oversee that the Company operates in a legal, ethical, and socially responsible manner ... .*

*No code of business conduct and ethics, no matter how carefully set forth, can cover every situation in our daily business lives that may require an ethical or legal decision. Employees facing situations not specifically addressed in this Code should apply the overall philosophy and concepts set forth in this Code, along with their own good judgment and the high ethical standards observed by ethical people everywhere. If employees have any doubt or questions, they should seek advice from the General Counsel or a lawyer in the Legal Services Department before taking any action.*

### **General Business Ethics**

*All persons employed by, or associated with, the Company are expected to deal honestly,*

*truthfully and fairly with others in business. False or intentionally misleading statements or omissions of any kind should never be made. The Company will not countenance any types of deceitful practices.*

I respectfully submit to you that the advertising program followed by Brita in Canada conflicts with the spirit, if not specific provisions of both the Promotional Guidelines of the trade Association, to which the Clorox Company belongs and the Code of Conduct published by the Clorox Company.

I seek your intervention in this matter.

Yours sincerely,



T. Duncan Ellison  
Executive Director

cc: General Counsel, The Clorox Company  
Mr. Robert Rizzo, The Clorox Company, Brampton, ON  
Mr. Jason Bourque, Canadian Water Quality Association  
Mr. Jack Hoffbuhr, American Water Works Association.

W:\Letters\2006\Brita\Clorox Company.wpd