

Case #6999 (01/14/2022)

**BestCompany.com, LLC**

**BestCompany.com**

**Challenger:** *SmileDirectClub, LLC*

**Product Type:** *Websites/Web Services*

**Issues:** *Express Claims; Implied Claims/Consumer Perception; Online Advertising; Testimonials*

**Disposition:** *Substantiated in Part/Modified-Discontinued in Part*

## **BBB NATIONAL PROGRAMS**

### ***NATIONAL ADVERTISING DIVISION***

SmileDirectClub, LLC,  
Challenger,

BestCompany.com, LLC,  
Advertiser.

Case No. 6999  
Closed (01/14/2022)

## **FINAL DECISION**

- Product rankings that appear on independent, third-party websites have a powerful effect on purchasing decisions, and consumers often rely on and trust these sites that appear to offer accurate, unbiased information favoring one product or brand over another.
- An independent and impartial ranking of products, even one based on consumer reviews, should be based on reviews that are representative of the universe of consumer reviews for all companies reviewed and ranked.

### **I. Basis of Inquiry**

The advertising industry established the National Advertising Division (“NAD”) and the National Advertising Review Board (“NARB”) in 1971 as an independent system of self-regulation designed to build consumer trust in advertising. NAD reviews national advertising in all media in response to third-party challenges or through inquiries opened on its own initiative. Its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business. Challenger SmileDirectClub, LLC (“SDC” or “Challenger”) challenged express and implied claims made by Advertiser BestCompany.com, LLC (“Best Company” or “Advertiser”) on its BestCompany.com website. The following are representative of the claims that served as the basis for this inquiry:

*A. Express Claims*

- “100%,” or “all,” of the reviews posted on the Best Company website are “verified” and “moderated through a tech-enabled, proprietary, 7-point moderation process to ensure they are real and authentic.”
- Rankings on the BestCompany.com website “cannot be bought” or otherwise influenced to “unfairly favor one company over another, not based on merit.”
- Best Company does not have “any relationships with companies that guarantee their ranking or score and we never will.”
- “Best Company never has and never will take payment in exchange for an unmerited rank on BestCompany.com.”
- Best Company’s rankings of various companies and their products on BestCompany.com are “honest and unbiased.”
- Best Company is a “Truly Independent and Impartial Review Site.”
- SDC “does not accept direct payments from insurance companies” in connection with clear aligner services.
- “SmileDirectClub doesn’t really offer any money back or anything like that, but within thirty days of completing your treatment plan, if you are dissatisfied in any way, then they can match you up with an orthodontist or dentist that will review your results, and if approved, you can get additional aligners at no extra cost to fix anything that went wrong.”
- A “major distinction” between SDC and Byte is Byte’s lifetime guarantee program.
- SDC’s clear aligner kit comes with “teeth whitening products” that rely on the clear aligners as carriers.

*B. Implied Claims*

- Best Company does not and never will have any improper relationships with featured companies, and rankings or scores on BestCompany.com cannot be purchased or obtained through a direct relationship. In other words, Best Company is not “pay to play.”

- Best Company ranks the clear aligner brand “Byte” over all other brands based on its “expert recommendation” and not due to Best Company’s undisclosed true relationship with Byte.
- Reviews and testimonials of Byte on BestCompany.com and Byte’s webpage reflect independent, honest opinions and are not incentivized endorsements.
- SDC does not have a guarantee or money back program for its clear aligner services.
- SDC’s refund and guarantee programs are lacking as compared to Byte.
- SDC’s guarantees its services only after treatment has been completed.
- SDC and its goods and services are defective (not “solid” because not ranked as highly as Byte on BestCompany.com).

## **II. Evidence Presented**

The Challenger submitted two declarations from its VP of Digital Acquisitions and Growth which detailed the Challenger’s experience with the Advertiser’s website. The Challenger also submitted e-mails between the Challenger and the Advertiser regarding services offered by the Advertiser.

The Advertiser submitted three declarations from its Chief Operating Officer detailing the services it offers businesses, its ranking system, and its moderation and verification process for reviews. The Advertiser also submitted e-mails between the Challenger and the Advertiser regarding services offered by the Advertiser.

## **III. Decision**

SDC is a national provider of clear aligner therapy (“invisible braces”) that uses a teledentistry platform and sells related goods and services. The Advertiser’s website, BestCompany.com, offers general information, reviews, and recommendations for a variety of products and services, including in the “invisible braces” category generally and for specific brands within the category such as SDC and its competitors.<sup>1</sup> SDC challenged advertising on BestCompany.com related to reviews for “invisible braces.”

The Challenger contended that much of the content on BestCompany.com is advertising but the website communicates the overall broad and misleading message to consumers that it is an impartial, independent review site that is not paid or influenced by the companies it features on its

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<sup>1</sup> In the Invisible Braces category, Best Company has a “Top Recommended” page, accessible through a paid search, as well as a separate “organic” ranking of companies in that category on its website. In practice, this distinction is not significant as the two pages typically correspond in how companies are ranked.

site. The Challenger submitted that Best Company is not an impartial review site because its relationships with other companies determines such companies' scores and rankings against competitors like SDC.

The Challenger argued that the Advertiser's ranking criteria ensures that its preferred partners are ranked higher in their category and that companies that partner with Best Company receive increasing benefits based on the services provided. For example, if Best Company solicits reviews, the partner company gets a higher ranking because the partner company will have more reviews and more verified reviews than non-partner companies. Best Company's scores each company in the "invisible braces" category based on their consumer reviews but gives higher scores to companies with more reviews and gives greater weight to verified reviews it collects, as compared to other organic reviews published on the site. The Challenger also argued that the group of reviews that form the basis for the Advertiser's ranking are not representative of actual U.S. clear aligner consumers. The Challenger further maintained that in its own dealings with the Advertiser, the Advertiser represented that "a significant payout increase" from SDC to Best Company and "full brand" bidding rights to SDC's most valuable keywords in favor of Best Company would make SDC #1 in the clear aligner category on the Best Company website.

The Advertiser argued it that it collects independent reviews from consumers and that its website does not mislead consumers but instead properly discloses the criteria and weights it uses to rank businesses. To the extent that its rankings give greater weight to verified customer reviews, such reviews are verified to insure they are unbiased, honest, and independent, and are thus more reliable.

#### *A. Discontinued Claims*

The Advertiser voluntarily agreed to remove and modify the two videos about SDC and its products and programs. The claims include those stating that SDC "does not accept direct payments from insurance companies" in connection with clear aligner services; "SmileDirectClub doesn't really offer any money back or anything like that, but within thirty days of completing your treatment plan, if you are dissatisfied in any way, then they can match you up with an orthodontist or dentist that will review your results, and if approved, you can get additional aligners at no extra cost to fix anything that went wrong."; a "major distinction" between SDC and Byte is Byte's lifetime guarantee program; and that SDC's clear aligner kit comes with "teeth whitening products" that rely on the clear aligners as carriers, along with the related implied claims that: SDC does not have a guarantee or money back program for its clear aligner services; SDC's refund and guarantee programs are lacking as compared to Byte; SDC's guarantees its services only after treatment has been completed; and SDC and its goods and services are defective (not "solid" because not ranked as highly as Byte on BestCompany.com). Those claims will be treated for compliance purposes as though NAD recommended their discontinuance and the Advertiser agreed to comply.

#### *B. Product Reviews in Advertising*

Consumers carefully consider product rankings and consumer reviews when deciding whether to purchase products. Consumer reviews "can inspire trust in a brand or product, and influence consumer confidence and buying habits." However, consumer reviews both online and otherwise, are only as valuable as their authenticity as well as the transparency and accuracy in the means by

which they are gathered and used.”<sup>2</sup> Product rankings that appear on independent, third-party websites have a powerful effect on purchasing decisions, and consumers often rely on and trust these sites that appear to offer accurate, unbiased information favoring one product or brand over another.<sup>3</sup>

The Federal Trade Commission (“FTC”) has made clear that consumers should know the source of an advertisement in any context because of its impact on the weight and credibility of the content. The FTC’s Enforcement Policy Statement on Deceptively Formatted Advertisement, states:

“[A]dvertising and promotional messages that are not identifiable as advertising to consumers are deceptive if they mislead consumers into believing they are independent, impartial, or not from the sponsoring advertiser itself. Knowing the source of an advertisement or promotional message typically affects the weight or credibility consumers give it. Such knowledge may also influence whether and to what extent consumers choose to interact with content containing a promotional message.”<sup>4</sup>

Further, advertisers must disclose whether there is a material connection between themselves and their endorsers. The FTC’s Guides Concerning the Use of Endorsements and Testimonials in Advertising states:

“Where there exists a connection between the endorser and the seller of the advertised product that might affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience), such connection must be fully disclosed.”<sup>5</sup>

NAD has addressed matters involving the disclosures of relationships between advertisers and sellers. For example, in *Amerisleep, LLC (SleepJunkie.org and SavvySleeper.org)*, the challenger, a manufacturer and marketer of mattresses, asserted that two websites appearing to be independent mattress review sites were in fact advertising by Amerisleep, a manufacturer and marketer of competing mattresses. Separate from the sufficiency of the advertiser’s disclosure of material connection, however, NAD explained that the content and format of the advertiser’s messaging inherently conveyed the message that the sites are independent – not advertising. A disclosure that contradicts a main message of an advertisement cannot cure that misleading message. NAD further elaborated: “...[W]hen such recommendations are made in native advertising that takes the form of a rating and review website, consumers can more easily be misled as to the nature of such

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<sup>2</sup> *Pyle Audio, Inc. (NutriChef Vacuum Sealers)*, Report #6265, NAD/CARU Case Reports (August 2019).

<sup>3</sup> *Amerisleep, LLC (SleepJunkie.org and SavvySleeper.org)*, Report #6369, NAD/CARU Case Reports (May 2020).

<sup>4</sup> FTC Enforcement Policy Statement on Deceptively Formatted Advertisements.

<sup>5</sup> Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. §255.5.

recommendations. The format of the content itself may convey the message that the recommendations are independent, editorial content.”<sup>6</sup>

NAD has also examined how consumers understand ratings or rankings that are built upon consumer reviews.<sup>7</sup> In *TaxSlayer LLC*, claims made by the advertiser for being “number one rated” in the tax preparation software category on Trustpilot’s public ranking website were challenged by Trustpilot. By touting its “number one” rating, the advertiser reasonably conveyed to consumers a message not only that Trustpilot rated the advertiser number one, but also that this rating was based on a reliable and representative survey of consumers.<sup>8</sup> NAD then found that Trustpilot’s collection of user reviews did not provide reliable evidence to support the challenged claim or the message it conveyed to consumers about the meaning of the #1 rating.<sup>9</sup>

Recently, in *Straight Smile, LLC (Byte)*, NAD reviewed SDC’s challenge to advertising for SDC’s competitor Byte on BestCompany.com and concluded that Byte has a relationship with Best Company to promote its products.<sup>10</sup> There too SDC alleged that Best Company’s ranking of Byte over all other brands conveys the unsupported message that the ranking was based on Best Company’s “expert recommendation” and not due to Best Company’s undisclosed relationship with Byte. NAD determined that “Consumers understand rankings and recommendations to reflect honest assessments of the products based on the experience or expertise of the reviewer. When the ranking or recommendation is based upon a relationship between the parties and is not based on an honest assessment of the product or products compared, consumers are misled.” Specifically with respect to the rankings also at issue in this challenge, NAD concluded that:

Best Company rankings for the “Invisible Braces” product category are influenced by the material connection between Best Company and the company ranked. For example, the number and recency of reviews as well as whether reviews are from verified purchasers will increase when there is a relationship with Best Company. Companies with a material connection to Best Company will thus get a higher ranking, not based on the experience of consumers with the product, but because the relationship with Best Company will increase metrics that form the basis of the ranking. In fact, according to the Best Company website, only 52% of the ranking is based on consumer reviews and even that ranking is weighed in favor of recent reviews. Additionally, part of the ranking is based specifically on the ranked company’s relationship with Best Company, including 5% based on whether the company has claimed their profile on Best

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<sup>6</sup> Similarly, in *Pyle Audio, Inc.*, the advertiser, manufacturer of NutriChef brand vacuum sealers, was alleged to have encouraged consumers to write positive reviews about their experience with NutriChef vacuum sealers in exchange for free product. The challenger argued that this practice is contrary to FTC law and related guidance providing endorsements must reflect the endorser’s actual experiences with the products, and that Pyle failed to disclose the material connection created by reviewers’ receipt of free product. NAD recommended that Pyle take reasonable measures to disclose the existence of the material connection between Pyle and the reviewers.

<sup>7</sup> *TaxSlayer LLC (TaxSlayer Tax Preparation Software)*, Report #6286, NAD/CARU Case Reports (June 2019).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Straight Smile, LLC (Byte)*, Report #6998, NAD/CARU Case Reports (November 2021).

Company and another 5% based on whether the company responds to negative reviews on Best Company.<sup>11</sup>

NAD recommended that Byte discontinue advertising its ranking on BestCompany.com or modify the advertising to ensure that consumers clearly understand that Best Company's ranking is advertising for Byte and not an honest review from an independent third party.<sup>12</sup>

As set forth below, NAD reached similar conclusions in this challenge to advertising by Best Company.

*C. The Independence and Accuracy of Best Company's Ratings and Rankings*

At issue is the Advertiser's message that Best Company is an independent and impartial review site, where consumers can go to examine product reviews, ratings, and rankings in various product and service categories. Specifically, the Best Company website states:

- Rankings on the BestCompany.com website "cannot be bought" or otherwise influenced to "unfairly favor one company over another, not based on merit;"
- Best Company does not have "any relationships with companies that guarantee their ranking or score and we never will;"
- "Best Company never has and never will take payment in exchange for an unmerited rank on BestCompany.com;"
- Best Company's rankings of various companies and their products on BestCompany.com are "honest and unbiased;" and
- Best Company is a "Truly Independent and Impartial Review Site."

The Challenger asserted that these messages are unsupported based on Best Company's relationships with other companies and how they impact scores and ranks on Best Company's website. Additionally challenged is the implied message that "Best Company ranks the clear aligner brand "Byte" over all other brands based on its "expert recommendation" and not due to Best Company's undisclosed true relationship with Byte. The Challenger asserted that these express and implied claims are unsupported based on Best Company's relationships with other companies and how they impact scores and ranks on Best Company's website.

Best Company scoring criteria allocates 52.5% of its score to the "Star Rating of Reviews." Within this portion of the score "Verified Customer Reviews" are given greater weight than other reviews.<sup>13</sup> The next most significant portion of the score, 17.5%, is based upon "Number of Reviews," the total number of reviews that have been published about a company on BestCompany.com. Additionally, "Responsiveness to Reviews" and "Verification of Data" are each 5% of the score and give weight to businesses that confirm their information and respond to reviews on BestCompany.com that are three stars or lower. The Business terms of the relationship

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> The Advertiser explained that Verified Customer Reviews carry slightly more weight in the ranking system because Best Company confirms that each review was submitted authentically, by a real customer who does not directly associate with the subject business.

between the consumer and the provider comprise 15% of the score, including 5% each for “Recurring Fees,” “One-Time-Fees,” and “Contract or Warranty Length.” Other factors in Best Company’s ranking formula include “Brand Search Volume” (2.5%) and “Time in Business” (2.5%).

Best Company provides various services at various price levels to assist companies to obtain and manage reviews on BestCompany.com. Companies that partner with Best Company can use multiple different services. One service Best Company provides to its partners is to conduct a review-generation campaign. In conducting such campaigns, companies, either internally or through their Best Company Business Suite Account, contact current or former customers and invite them to respond with an unbiased review. Partners can also have Best Company solicit customer reviews over the telephone, which the Challenger argued generates significantly more positive feedback in comparison to email reviews. Although users can independently submit reviews, such reviews may not be verified by Best Company.

Best Company’s ranking criteria results in a higher score for businesses that have a partnership with Best Company for several reasons. First, a review generation campaign with Best Company will produce more verified reviews that hold more weight in the 52.5% of the score allocated to the “Star Rating of Reviews.” If the challenger is correct that phone reviews result in more positive reviews, that too could contribute to a higher score. Additionally, 17.5% of the score is impacted by the number of reviews, a number that will be much higher if a company engages Best Company for review generation. Further, the score takes into account “Responsiveness to Reviews” and “Verification of Data” (5% each). Companies that partner with Best Company are likely to both verify their data on Best Company and respond to reviews, resulting in a higher score.

A significant effect of Best Company’s review-generating partnership with certain companies is that it results in more reviews for those companies than others. An independent and impartial ranking of products, even one based on consumer reviews, should be based on reviews that are representative of the universe of consumer reviews for all companies reviewed and ranked.<sup>14</sup> For these reasons, NAD concluded that Best Company did not support the express and implied messages that its website is independent, and impartial.

The Advertiser submitted that its contractual arrangements with companies do not provide any promises of improved or guaranteed rankings. While there was some evidence that the Advertiser represented to SDC that it could improve SDC’s ranking on BestCompany.com, or even ensure that SDC would obtain the #1 ranking in the Invisible Braces category, the evidence in this challenge did not demonstrate that Best Company systematically guarantees top rankings to companies in any category, or that it directly ranks in favor of preferred partners. However, as set forth above, the record demonstrated that Best Company’s rating criteria is not impartial but biases rankings in favor of preferred partners. From the perspective of the consumer who believes that they are relying on an unbiased ranking system, the ranking is not what it appears to be because preferred partner relationships impact the rank. Thus, while companies may not be able to literally “buy” rankings, the message that Best Company’s ranking are independent and free from bias are nonetheless unsupported.

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<sup>14</sup> See *TaxSlayer LLC (TaxSlayer Tax Preparation Software)*, Report #6286, NAD/CARU Case Reports (June 2019).



While the Advertiser maintained that its methodology in the Invisible Braces category are adequately disclosed, disclosures, however, cannot contradict the claim they qualify. Here, the rankings expressly and impliedly claim to be independent but the scoring and ranking biases Best Company's partners.<sup>15</sup> A disclosure explaining the ranking methodology cannot cure the express and implied misleading message that the rankings are independent.

The Advertiser stated that it would modify its claim that Best Company is a "Truly Independent and Impartial Review Site" to instead say it has "Truly Independent and Impartial Rankings and Reviews." Although the intent of the modified version may seek to reasonably convey a narrower message about the reviews and rankings themselves apart from the overall nature of the Best Company website, NAD found that the modified version still reasonably conveys an unsupported message that the consumer is viewing a presentation of rankings and reviews that is free from bias and partiality. As set forth below, this message is distinct from a message that each individual review is free from bias and partiality.

Based on the foregoing, NAD recommended that the Advertiser discontinue the express claims:

- (i) rankings on the BestCompany.com website "cannot be bought" or otherwise influenced to "unfairly favor one company over another, not based on merit;"
- (ii) Best Company does not have "any relationships with companies that guarantee their ranking or score and we never will;"
- (iii) "Best Company never has and never will take payment in exchange for an unmerited rank on BestCompany.com.;" and
- (iv) that Best Company's rankings of various companies and their products on BestCompany.com are "honest and unbiased";

and the implied claims that:

- (i) Best Company does not and never will have any improper relationships with featured companies, and rankings or scores on BestCompany.com cannot be purchased or obtained through a direct relationship;
- (ii) that Best Company is not "pay to play;" and
- (iii) that Best Company ranks the clear aligner brand "Byte" over all other brands based on its "expert recommendation" and not due to Best Company's undisclosed true relationship with Byte.

NAD further recommended that the Advertiser discontinue the claim that Best Company is a "Truly Independent and Impartial Review Site" as well as the modified claim that Best Company offers "Truly Independent and Impartial Rankings and Reviews."

#### *D. Best Company's Verification of Reviews and Incentivized Reviews*

SDC also challenged the Advertiser's express claim "100%," or "all," of the reviews posted on the Best Company website are "verified" and "moderated through a tech-enabled, proprietary, 7-point moderation process to ensure they are real and authentic."

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<sup>15</sup> See, e.g., *Amerisleep, LLC (SleepJunkie.org and SavvySleeper.org)*, *supra*.

The Advertiser explained that regardless of how a user submits a review to Best Company, every review must pass its moderation process before it is published on the site to confirm that the review is from a person and not a bot. The process includes an authentication of the reviewer's IP address, other activity by the same reviewer, and publicly available information associated with the reviewer's email address. Best Company also classifies certain reviews as "Verified Customer Reviews." These reviews must pass the initial phase to confirm that the review is from a person and not a bot and also further confirmation that the individual is a paying customer of the reviewed business. This confirmation is made through direct questioning on the phone with the reviewing customer.

NAD considered the messages reasonably conveyed by Best Company's claims regarding how it moderates individual reviews.

In certain advertising, claims regarding Best Company's review verification process appear under the heading "100% Verified." A reasonable takeaway from such advertising is that all reviews posted on BestCompany.com receive the same level of scrutiny. While the Advertiser demonstrated that all reviews go through the initial phase of the moderation process, not all published reviews go through the process to become "Verified Customer Reviews."

The Challenger also noted that some of the reviews published were incentivized reviews for which Byte provided free product in exchange for getting a review. The Challenger argued that the site reasonably conveys the implied message that reviews and testimonials of Byte on BestCompany.com and Byte's webpage reflect independent, honest opinions rather than incentivized endorsements. The Advertiser explained it has a policy of excluding incentivized reviews and that these were a small handful that made it through its moderation process that have now been removed from the site. NAD was satisfied that the Advertiser takes reasonable measures to avoid publishing such reviews from posting such that it may reasonably claim that it has a process to ensure that the posted reviews are "real and authentic." NAD also determined that with such measures the website does not reasonably convey any unsupported implied message that individual reviews are biased due to incentivization. NAD cautioned the Advertiser, however, that any incentivized reviews which might get published should clearly identify material connections provided in exchange for a review. Any ranking or score with incentivized reviews must also include a disclosure that some reviews were provided in exchange for incentives.

Based on the foregoing, NAD determined that the Advertiser has a reasonable basis for the claim that all of reviews posted on BestCompany.com are "moderated through a tech-enabled, proprietary, 7-point moderation process to ensure they are real and authentic." With respect to the claim "100% Verified." NAD recommended that the Advertiser modify its advertising to label only those reviews the reviews that have passed through additional verification, i.e., those it classifies as "Verified Customer Reviews," as "100% verified" and to use the claim exclusively when it has verified that the individual writing the review is a bona fide purchaser of the product.

#### **IV. Conclusion**

The Advertiser voluntarily agreed to remove and modify the two videos relating information about SDC and its products and programs. The claims include those stating that SDC "does not accept direct payments from insurance companies" in connection with clear aligner services;

“SmileDirectClub doesn’t really offer any money back or anything like that, but within thirty days of completing your treatment plan, if you are dissatisfied in any way, then they can match you up with an orthodontist or dentist that will review your results, and if approved, you can get additional aligners at no extra cost to fix anything that went wrong.”; a “major distinction” between SDC and Byte is Byte’s lifetime guarantee program; and that SDC’s clear aligner kit comes with “teeth whitening products” that rely on the clear aligners as carriers, along with the related implied claims that: SDC does not have a guarantee or money back program for its clear aligner services; SDC’s refund and guarantee programs are lacking as compared to Byte; SDC’s guarantees its services only after treatment has been completed; and SDC and its goods and services are defective (not “solid” because not ranked as highly as Byte on BestCompany.com). Those claims will be treated for compliance purposes as though NAD recommended their discontinuance and the Advertiser agreed to comply.

NAD recommended that the Advertiser discontinue the express claims that (i) rankings on the BestCompany.com website “cannot be bought” or otherwise influenced to “unfairly favor one company over another, not based on merit;” (ii) Best Company does not have “any relationships with companies that guarantee their ranking or score and we never will;” (iii) “Best Company never has and never will take payment in exchange for an unmerited rank on BestCompany.com;” and (iv) that Best Company’s rankings of various companies and their products on BestCompany.com are “honest and unbiased,” and the implied claims that (i) Best Company does not and never will have any improper relationships with featured companies, and rankings or scores on BestCompany.com cannot be purchased or obtained through a direct relationship; (ii) that Best Company is not “pay to play;” and (iii) that Best Company ranks the clear aligner brand “Byte” over all other brands based on its “expert recommendation” and not due to Best Company’s undisclosed true relationship with Byte. NAD further recommended that the Advertiser discontinue the claim that Best Company is a “Truly Independent and Impartial Review Site” as well as the modified version that Best Company offers “Truly Independent and Impartial Rankings and Reviews.”

NAD determined that the Advertiser has a reasonable basis for the claim that all of reviews posted on BestCompany.com are “moderated through a tech-enabled, proprietary, 7-point moderation process to ensure they are real and authentic.”

With respect to the claim “100% Verified.” NAD, recommended that the Advertiser modify its advertising to label only those reviews the reviews that have passed through additional verification, i.e., those it classifies as “Verified Customer Reviews,” as “100% verified.” and to use the claim exclusively when it has verified that the individual writing the review is a bona fide purchaser of the product. NAD also determined that measures to avoid the publication of incentivized reviews, the Best Company website does not reasonably convey any unsupported implied message that individual reviews are biased due to incentivization.

## V. Advertiser’s Statement

Best Company will comply with the NAD’s decision. However, Best Company disagrees with the NAD’s views that Best Company cannot advertise itself as a “Truly Independent and Impartial Review Site” simply because Best Company also offers review generation services (both free and paid). The majority of reviews on BestCompany.com are **not** solicited through Best Company’s review generation services. And of the small amount of reviews that are solicited by Best

Company, 70% come from Best Company's email review solicitation services, which are completely free to use for any company on BestCompany.com. Less than 8% of the 325,000+ reviews on BestCompany.com come from a Best Company review solicitation service that requires payment. And that payment is only to offset the costs incurred by Best Company to solicit the reviews. Despite these disagreements, Best Company respects the NAD and its role in regulating national advertising and will comply with its recommendations. (**#6999 ELU, closed 01/14/2022**)

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