

***For Immediate Release***

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**National Advertising Division Recommends Merck Discontinue “Best in Show” Commercial for Bravecto Flea and Tick Preventative for Dogs; Merck to Appeal**

New York, NY – Feb. 3, 2022 – The National Advertising Division (NAD) of BBB National Programs recommended that Merck Animal Health discontinue its “Best in Show” commercial and take steps to ensure that when making an “apples-to-oranges” comparison between its BRAVECTO® (Bravecto) flea and tick preventative for dogs and a rival company’s NexGard, that the material dosing difference between the compared products is sufficiently disclosed. Merck will appeal NAD’s decision.

Boehringer Ingelheim Animal Health USA Inc., maker of NexGard, challenged Merck’s 30-second “Best in Show” television commercial comparing the Bravecto and NexGard products, which featured John Michael Higgins (actor from the movie *Best in Show*). The challenger also alleged that the commercial included the express claim that NexGard users will experience “a rejection in protection at week 5,” as well as implied claims that:

- Bravecto is “best in show,” i.e. better than NexGard at preventing flea and tick infestations when both products are used as directed.
- NexGard does not provide long lasting flea and tick prevention when used as directed.
- NexGard is ineffective, even when dosed according to the package directions, at preventing flea infestations after week five.

NexGard is administered monthly while Bravecto is administered every 12 weeks. NAD noted that when making “apples-to-oranges” comparisons to highlight features or attributes of products, advertising should disclose material differences between the products. NAD found that the challenged commercial did not clearly communicate the basis of comparison, i.e., the difference in the products’ respective duration of action.

Further, NAD determined that, when viewed in its entirety, the commercial blends duration of action claims with a comparative superiority message and that one reasonable interpretation of the commercial is that Bravecto is superior to NexGard in protecting dogs from flea infestations, not merely that Bravecto is dosed for 12 weeks as compared to 30 days for NexGard. The advertiser did not submit any evidence that Bravecto provides superior protection against fleas than NexGard, generally.

For these reasons, NAD recommended that the “Best in Show” commercial be discontinued, and that the advertiser take steps to ensure that when making an “apples-to-oranges” comparison between its Bravecto flea and tick preventative for dogs and NexGard, that the material dosing difference between the compared products is sufficiently disclosed.

NAD noted that nothing in its decision prevents the advertiser from describing that one dose of Bravecto will protect a dog from fleas longer than one dose of NexGard.

In its advertiser statement, Merck stated that it will appeal NAD's ruling that the challenged commercial compares Bravecto and NexGard on any point other than their relative duration of action because it "respectfully disagrees with NAD's conclusion that any reasonable consumer could understand Merck's Bravecto commercial to communicate a product distinction other than that one dose of Bravecto lasts nearly 3x longer for flea protection than one dose of NexGard."

Such appeals of NAD decisions are made to the BBB National Programs' National Advertising Review Board (NARB), the appellate-level truth-in-advertising body of BBB National Programs.

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**About the National Advertising Division:** The National Advertising Division (NAD) of BBB National Programs provides independent self-regulation and dispute resolution services, guiding the truthfulness of advertising across the U.S. NAD reviews national advertising in all media and its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business.