



# National Programs

## Independent Advertising Self-Regulation Selected Case Materials

**National Advertising Division  
& National Advertising Review Board**

.....  
June 2023

# About BBB National Programs

# BBB National Programs

- Independent, non-profit organization
- Home to more than a dozen independent industry self-regulation, accountability, and dispute resolution programs

Creating a fairer playing field for business.

Creating a better experience for consumers.



# Independent Industry Self-Regulation

Various models, elements include some of the following:

- + Agreed-upon Standards
- + Independent Marketplace Monitoring
- + Dispute Resolution and Enforcement Mechanisms
- + Built-in Independent Appeals Structure
- + Regulation Back-stop and/or Regulatory Referrals

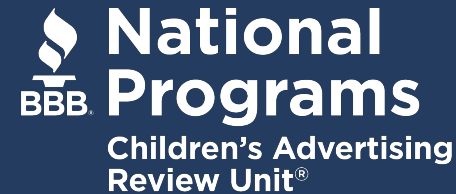
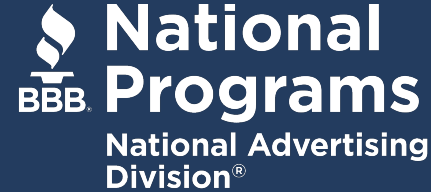
Often aligns with government regulations/government agency engagement:



**State Attorneys General**

# Accountability in Advertising

- Developed by the industry
- Successful since 1971 (50+ years)
- Voluntary compliance by advertisers
- Agile development of new programs, keeping pace with industry need
- Various models including co-regulation, watchdog, independent monitoring, and pledge programs



# National Advertising Division



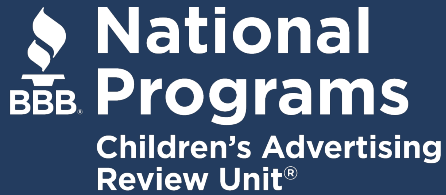
- Founded in 1971, the longest running independent, industry self-regulation program in the U.S.
- Removing misleading advertisements from the marketplace levels the playing field for businesses and protects consumers
- Program considers challenges filed by some of the world's largest brands on intricate cases involving topics such as 5G (AT&T, Verizon, T-Mobile, and others), health-related claims (including claims to prevent or treat COVID-19), and sustainability (claims such as green, all-natural)

# National Advertising Review Board



- Also founded in 1971, serves as the appellate body for the U.S. system of industry self-regulation
- Provides independent industry peer review for National Advertising Division and Children's Advertising Review Unit cases, ensuring truthfulness and accuracy in national advertising
- Promotes voluntary compliance with decisions—a key pillar of industry self-regulation
- 97-person panel pool, selected for their stature and experience in their fields, consists of distinguished members from varied professional backgrounds: National Advertisers, Advertising Agencies, and the Public Sector, including academics

# Children's Advertising Review Unit



- Founded in 1974, helps protect children from deceptive or inappropriate advertising to ensure that, in an online environment, children's data is collected and handled responsibly
- The first FTC-approved Children's Online Privacy Protection Act (COPPA) Safe Harbor in the U.S.
- Monitors the marketplace for compliance with CARU's Advertising Guidelines and CARU's Privacy Guidelines, which set industry standards for responsible advertising to children
- As of January 2022, CARU's Advertising Guidelines now more specifically address diversity and inclusion, digital and social media, video content, influencer advertising, apps, in-game advertising and purchasing, and other interactive children's spaces



# Children's Food & Beverage Advertising Initiative



- Pledge program founded in 2007, in response to widespread concern around childhood obesity
- Created to improve the landscape of food advertising to children under age 13
- CFBAI participants include 21 of the largest food companies in the world with sister program for confection companies
- Participating companies voluntarily commit that, in advertising primarily directed to children, they will either not advertise foods or beverages to children at all or advertise only products that meet CFBAI's strict Uniform Nutrition Criteria

# Digital Advertising Accountability Program



- Enforces industry self-regulation principles for data privacy in web and mobile advertising
- Builds trust in the marketplace by providing consumers transparency and choice about the collection and use of their data for interest-based ads
- A third-party watchdog for the Digital Advertising Alliance (DAA), holding companies accountable to the DAA's Self-Regulatory Principles for online privacy

# Direct Selling Self-Regulatory Council



- Launched in 2019 as the third-party watchdog for the Direct Selling Association (DSA)
- Impartial monitoring, enforcement, and dispute resolution regarding product or income representation claims disseminated by direct selling companies or their salesforce members
- Relies on third-party monitoring technology to monitor the full online presence of the direct selling industry
- Recognized with 2021 Best Sectoral Initiative Award from the International Council for Advertising Self-Regulation

# Advertising Self-Regulation Cases

## Claims & Products from Emojis to Prescription Drugs

# BBB National Programs' National Advertising Division & National Advertising Review Board Case Index

Case Name	Case No. & Date	Section & Page No.	Page No.
Apartments.com	NAD Case #7045 April 2022; NARB #302 July 2022	Substantiation for Claims	35
BestCompany.com, LLC	NAD Case #6999 January 2022	Emerging Issues	57
Body Armor Sports Nutrition, LLC	NAD Case #7047 October 2021	Introduction	14
Genexa, Inc.	NAD Case #7108 October 2022; NARB #307 January 2022	Substantiation for Claims	38
Glad Products Company	NAD Case #6996 January 2022	Substantiation for Claims	44
JBS USA Holdings, Inc.	NAD Case #7135 February 2023; NARB #313 May 2023	Emerging Issues	51
Merck Animal Health	NAD Case #7029 January 2022; NARB #301 April 2022	Comparative Claims	25
Molson Coors Beverage Company	NAD Case #7183 February 2023; NARB #315 March 2023	Objective Claims or Puffery?	21
Novartis Pharmaceutical Corporation	NAD Case #7137 December 2022	Introduction	17
PerSe Beauty Inc. d/b/a Prose	NAD Case #6992 May 2021	Emerging Issues	54
The Procter & Gamble Company (Febreze)	NAD Case #6977 May 2022; NARB #303 August 2022	Substantiation for Claims	41
T-Mobile US, Inc.	NAD Case #7201 April 2023	Comparative Claims	28
Verizon (Ultra Wideband)	NAD Case #7106 August 2022	Substantiation for Claims	47
Water Wipes	NAD Case #7064 February 2022	Substantiation for Claims	32

1

# Body Armor Sports Nutrition, LLC

## National Advertising Division

NAD Case #7047

October 2021

# Relevant Media

**drinkbodyarmor**

### Your Content Has Been Removed

We removed your content because a third party reported that it infringes their intellectual property rights.

Report #540505900619849

#### What was removed

Post removed for IP violation  
Posted Aug 6 at 12:04 PM

#### Why you were reported

The following party reported that your content infringes their trademark:

- Rights owner: Stokely-Van Camp
- Email: @pepsico.com
- Trademark: Gatorade/G Bolt

31,399 likes  
drinkbodyarmor Hey @Gatorade did you really call the IG police on us for THIS!?!? 🤔😂😂

**drinkbodyarmor**



31,395 likes  
drinkbodyarmor Hey @Gatorade did you really call the IG police on us for THIS!?!? 🤔😂😂


**BODYARMOR**  
@DrinkBODYARMOR

C'mon @BakerMayfield, please return our calls! We're very sorry!!! 😂😂😂  
#TeamBODYARMOR



12:06 PM · Aug 6, 2021 · Twitter for iPhone

**bakermayfield**  
bakermayfield · Original Audio



Liked by insta.single and 107,708 others  
bakermayfield I'm not sure I'll ever forgive you for this @drinkBODYARMOR #TeamBODYARMOR

# Summary

In a Fast-Track SWIFT matter, Stokely-Van Camp, Inc. challenged claims made on social media posts regarding a blind “taste test,” appearing on the social media accounts of BodyArmor endorser Baker Mayfield (Cleveland Browns quarterback and former Heisman Trophy winner) and BodyArmor’s social media accounts.

The National Advertising Division recommended that BA Sports Nutrition discontinue the four express claims in the Baker Mayfield taste test video where Mr. Mayfield samples three flavors of BodyArmor sports drinks, which he is familiar with, and proudly identifies them. After being handed a fourth bottle, which unbeknownst to him contains Gatorade, Mr. Mayfield sips it and immediately exclaims,

“Yo, that is not cool. That’s awful,” while removing his blindfold, spitting out the Gatorade, and shaking his head. As this occurs, the Nauseated Face Emoji and the Face with Tears of Joy Emoji appear together prominently on the screen.

The National Advertising Division noted that emojis frequently substitute for the written word in contemporary communications and some emojis more clearly communicate feelings or emotions than others. The Nauseated Face Emoji, for example, communicates a clear message that something is gross.



2

# Novartis Pharmaceutical Corporation

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## National Advertising Division

NAD Case #7137

December 2022

# Relevant Media

[Click here](#) to watch the video

Password: selfreg

Overall survival (OS) is the length of time patients are alive from the start of treatment. At an 80-month check-in, median OS was 63.9 months for KISQALI + an aromatase inhibitor vs 51.4 months for an aromatase inhibitor alone. In another trial, at a 56-month observational check-in, median OS was 53.7 months for KISQALI + fulvestrant vs 41.5 months for fulvestrant alone. Observational check-ins were not predetermined or controlled for a false positive.

KISQALI<sup>®</sup>  
200 mg tablets

# Summary

Eli Lilly and Company challenged express and implied claims made by Novartis Pharmaceutical in physician- and patient-directed advertising for its breast cancer treatment drug, Kisqali. The National Advertising Division found that the claim “Only drug in class with consistently proven survival benefit in HR+/HER2- metastatic breast cancer\*” “\*across three Phase III trials,” was inherently comparative.

The National Advertising Division concluded that one message reasonably conveyed to consumers, whom NAD determined lack the medical knowledge or experience to understand nuances in clinical trial design or outcomes, is that Kisqali is more effective and provides superior survival benefits. NAD found that a similar claim directed to healthcare professionals was supported because of the more sophisticated understanding of the target audience.

# Objective Claims or Puffery?

# 3

## Molson Coors Beverage Company

### **National Advertising Division**

NAD Case #7183

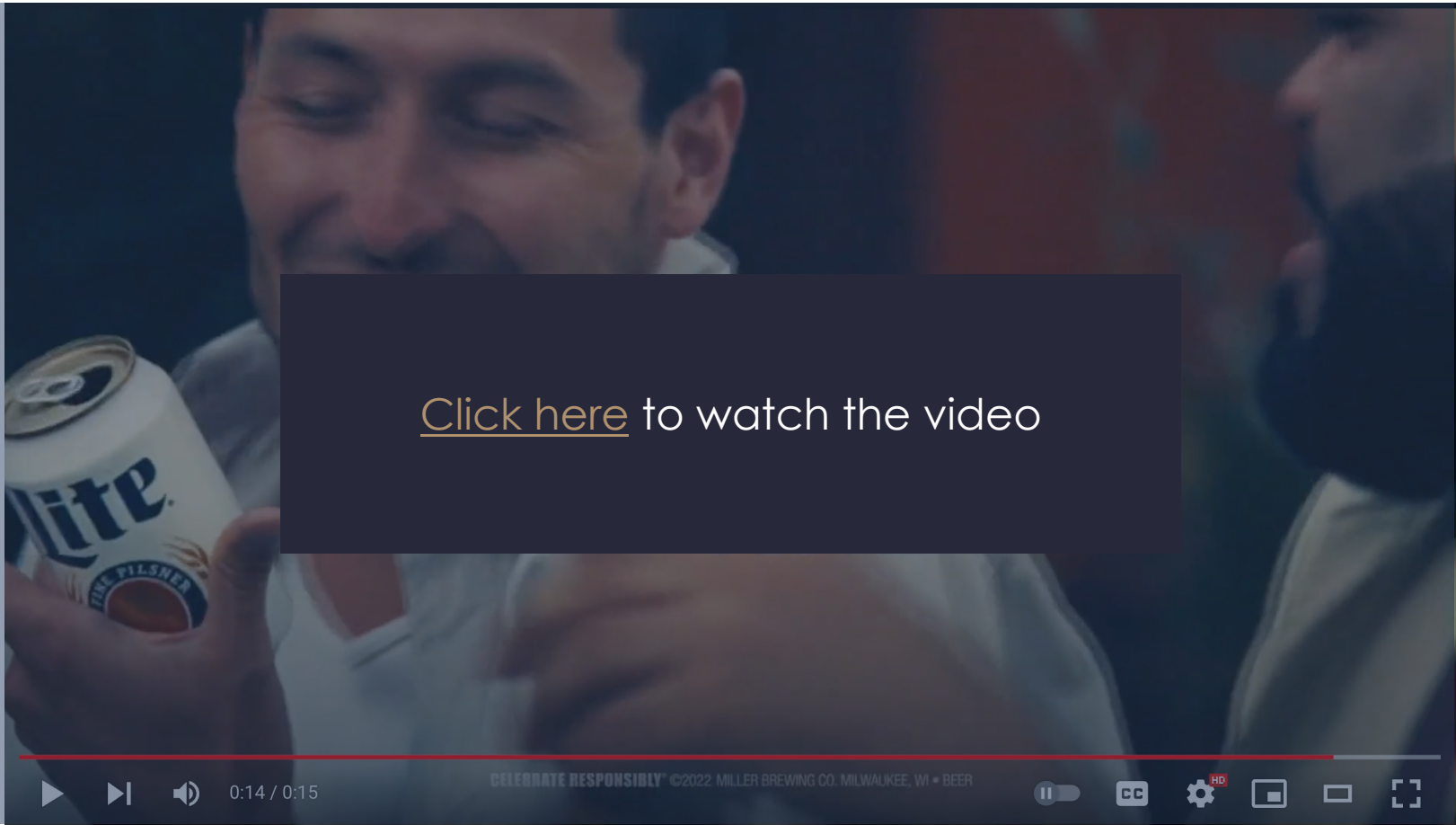
February 2023

### **National Advertising Review Board**

NARB Panel Report #315

March 2023

Relevant Media



# Summary

In a Fast-Track SWIFT challenge, Anheuser-Busch Companies challenged claims made by Molson Coors that appeared in videos with words “light beer shouldn’t taste like water. It should taste like beer” and included imagery of tired athletes pouring beers on themselves to cool off after a workout. NAD found that the challenged claim was not puffery or a mere opinion and that tasting “like water” is a measurable attribute that requires substantiation, which Molson Coors did not provide. Therefore, the National Advertising Division recommended that the claim be discontinued.

An NARB panel agreed with NAD that in the context in which the claim appears it is not puffery but a comparative claim requiring substantiation in the form of a well-conducted consumer taste test and recommended that Molson Coors discontinue the claim “light beer shouldn’t taste like water. It should taste like beer.”

# Comparative Claims



# 4

## Merck Animal Health

### **National Advertising Division**

NAD Case #7029

January 2022

### **National Advertising Review Board**

NARB Panel Report #301

April 2022

Relevant Media

WEEK 5

[Click here](#) to watch the video

Password: selfreg

The most commonly reported adverse reactions include vomiting, decreased appetite, diarrhea, lethargy, polydipsia, and flatulence. BRAVECTO Chews for Dogs have not been shown to be effective for 12-weeks' duration in puppies less than 6 months of age. BRAVECTO Chews are not

00:11

# Summary

Boehringer Ingelheim Animal Health USA Inc., maker of NexGard, a monthly flea and tick product, challenged claims made by a competitor, Merck Animal Health, maker of BRAVECTO, a flea and tick product administered every 12 weeks. Boehringer argued that Merck's "Best in Show" TV commercial conveys misleading and disparaging messages that BRAVECTO is more efficacious at killing fleas and ticks than NexGard or that NexGard fails to provide long lasting protection against fleas and ticks.

The National Advertising Division determined that, when viewed in its entirety, the commercial blends duration of action claims with a comparative superiority message and that one message reasonably conveyed 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. When making "apples-to-oranges" comparisons to highlight features or attributes of their products, the advertiser should disclose the material differences between the products. NAD found that the challenged commercial did not clearly communicate the basis of comparison and recommended that the "Best in Show" commercial be discontinued.

An NARB panel agreed with NAD that Merck's commercial did not clearly convey the message that BRAVECTO's longer lasting performance in preventing fleas as compared to NexGard is due solely to the fact that BRAVECTO is a chew designed to last 12 weeks, while NexGard is a chew designed to last for one month.

5

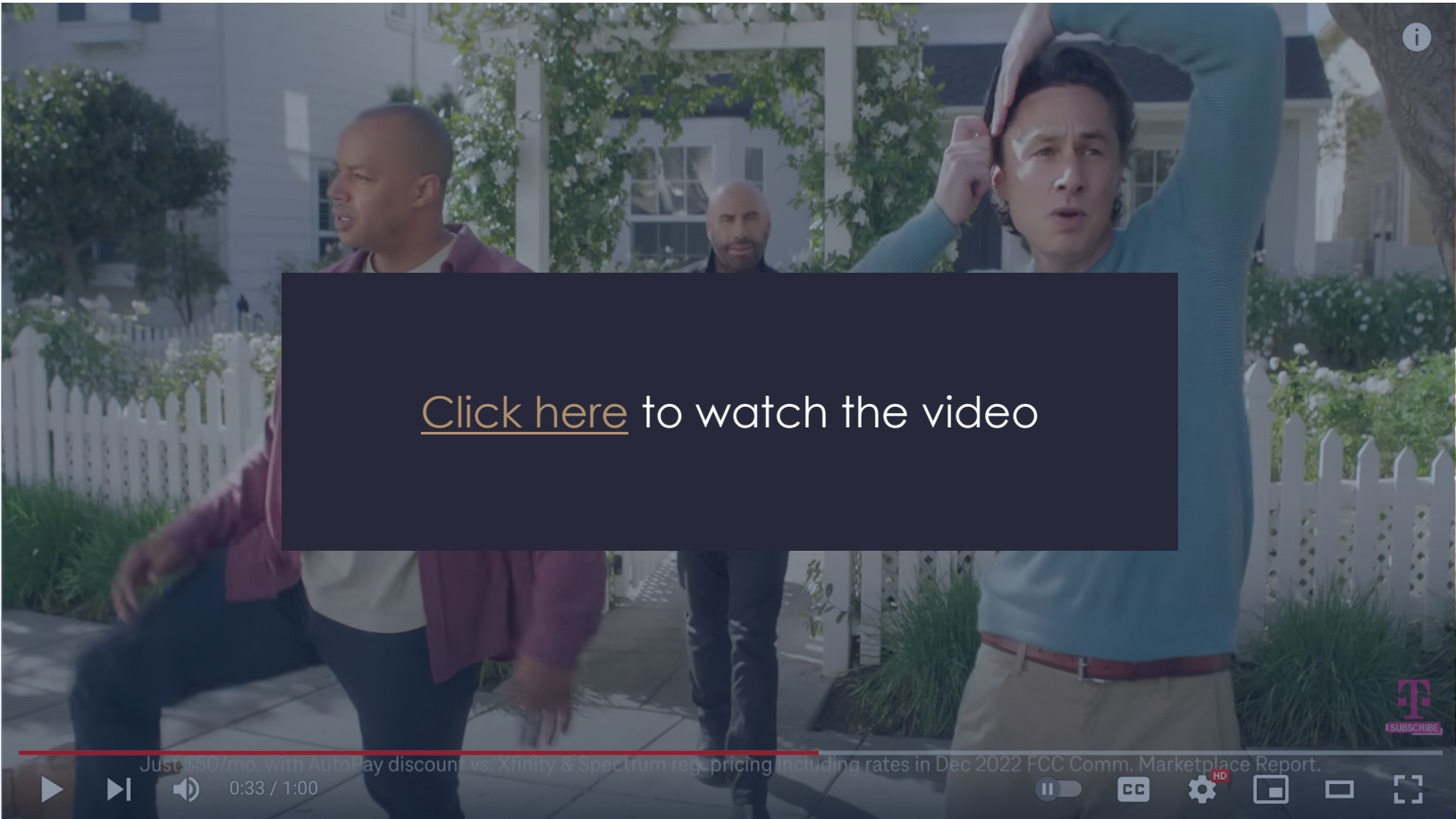
T-Mobile US, Inc.

**National Advertising Division**

NAD Case #7201

April 2023

Relevant Media



# Summary

Comcast Cable Communications Management challenged T-Mobile's claim, "Don't you worry 'bout speed" in a television commercial featuring John Travolta, Zach Braff, and Donald Faison for T-Mobile's Home Internet (T-HINT). T-HINT operates on the same wireless network as T-Mobile mobile devices.

The National Advertising Division determined that the commercial communicates the unsupported message that T-HINT will allow users to perform nearly all typical activities on the internet, including intensive uses like gaming or streaming, on multiple devices at any time of day, and recommended that the challenged claim be discontinued.

# Substantiation for Claims

6

# Water Wipes

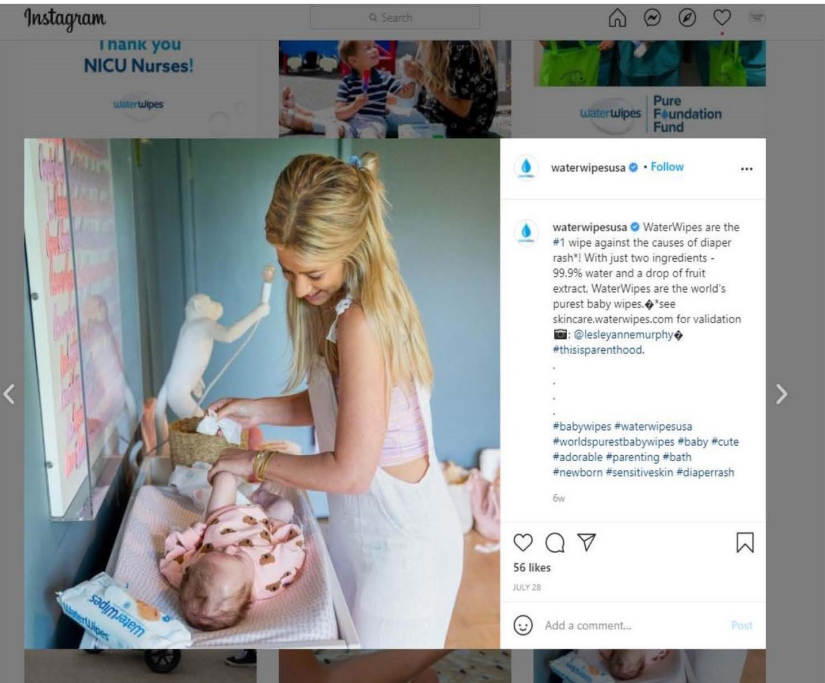
**National Advertising Division**

NAD Case #7064

February 2022



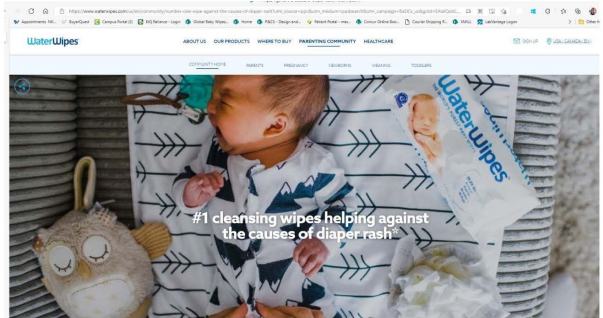
# Relevant Media



National Association of Neonatal Nurses (NANN) Conference 2021 link to video: [Baby Wipes Product R&E - Waterwipes - All Documents \(sharepoint.com\)](#)



We're proud to say that a recent clinical study put WaterWipes to the test against two leading brands and we came out on top as the #1 wipe against the causes of diaper rash. Not only did the babies taking part



\*WaterWipes are a cosmetic product and do not treat, cure or prevent diaper rash. No.1 in a clinical test of three brands. Price AD et al., The BaSICS (Baby Skin Integrity Comparison Survey) study, 2020 <https://doi.org/10.1016/j.pedneo.2020.10.003>

◆ WaterWipes are clinically tested against the causes of diaper rash

WaterWipes, the world's purest baby wipes are not only purer than cotton wool and water but also clinically tested to be the no.1 cleansing wipes helping against the causes of nappy rash\*

\* WaterWipes are a cosmetic product and do not treat, cure or prevent diaper rash. No.1 in a clinical test of three brands. Price AD et al., The BaSICS (Baby Skin Integrity Comparison Survey) study, 2020 [Click here for study](#)

# Summary

Kimberly-Clark Corporation challenged claims made by WaterWipes on its website and social media channels that their cleansing wipe product is the “#1” wipe against the causes of diaper rash and that it is “clinically proven as the #1 wipe against the causes of diaper rash.” WaterWipes relied on the results of its “Baby Skin Integrity Comparison Survey” to support its claims. A total of 698 mother-and-infant pairs completed the eight-week study under the supervision of professionals. NAD reviewed the study to assess whether it was sufficiently reliable to support the challenged claims.

The National Advertising Division determined that the study did not provide adequate substantiation for the broad

“#1” or “clinically proven” claims and expressed several concerns with the study’s methodology, including that the study universe was too narrow to support the broad “#1” claims, that it failed to attempt to control for the use of skin creams and lotions to treat infants with diaper rash, and that it did not attempt to blind the branding and marketing on the packaging itself which could have biased the results. Broad superiority claims such as “#1” claims require strong support while a “clinically proven” claim requires reliable and well-controlled clinical testing on the advertised product.

The National Advertising Division recommended that the challenged claims be discontinued.

7

# Apartments.com

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## National Advertising Division

NAD Case #7045

April 2022

## National Advertising Review Board

NARB Panel Report #302

July 2022

Relevant Media

[Click here](#) to watch the video

Password: selfreg

BRAD BELLFLOWER  
INVENTOR OF THE APARTMINTERNET

00:10

# Summary

Zillow, Inc. challenged express and implied claims made by CoStar Group, Inc. for its Apartments.com website network. The challenged claims related to popularity, conversion, website prevalence, and website/service features that appeared on videos and through direct mail solicitations. NAD found that ‘most popular’ claims send a powerful message that the brand is preferred over all others and weigh heavily in consumer buying decisions. Evidence supporting a website popularity claim should match the message that consumers take away from such a claim.

The National Advertising Division recommended that CoStar modify its advertising to clearly and conspicuously disclose that the “The Most Popular Place to Find a Place”

claims are limited to the rental market. NAD concluded that the data relied on by CoStar to support conversion claims provides information on only a subset of property owners, not the entire rental market and recommended that CoStar discontinue its conversion claims including “The Most Popular Place to Find a Place.” NAD recommended that several website prevalence and website/service features claims be discontinued because the evidence provided did not support the specific claims.

An NARB panel recommended that CoStar discontinue the claim “The Most Popular Place to Find a Place” and that it modify certain advertising to make clear that the advertising is directed only to the rental market.

8

# Genexa, Inc.

## National Advertising Division

NAD Case #7108

October 2022

## National Advertising Review Board

NARB Panel Report #307

January 2023

# Relevant Media

Health & Household > Vitamins, Minerals & Supplements > Herbal Supplements > Fruit Extracts > Blueberry

**Genexa Children's Acetaminophen Oral Suspension, for Children 2 - 11 Years Old, Temporarily relieves Pain and Fever Symptoms, 160 mg per 5 mL- Organic Blueberry Flavor 4oz**

Visit the Genexa Store

★★★★★ 385 ratings | 7 answered questions

Price: \$7.19 (\$1.80 / Fl Oz)

Get \$60 off instantly. Pay \$0.00 \$4.99 upon approval for the Amazon Prime Store Card. No annual fee.

Brand	Genexa
Active Ingredients	Acetaminophen
Specific Uses For Product	Cold, Fever
Item Form	Liquid
Age Range (Description)	Kid

**About this item**

- Temporarily reduces fever and provides temporary relief from a range of cold and flu symptoms, including minor aches and pains, headache and sore throat. For children ages 2-11 years old.
- Made with organic blueberry flavor.
- Each 5 mL dose of this oral suspension medicine contains 160 milligrams of Acetaminophen to provide effective pain and fever symptom relief.
- No artificial sweeteners or preservatives, no artificial dyes, no parabens, and no common allergens. Certified gluten-free, vegan, and non-GMO.
- Free of alcohol and gentle on little tummies.
- Pediatricians prefer Genexa Children's Acetaminophen Oral Suspension over Children's Tylenol Pain + Fever liquid products for their own children based upon a comparison of their ingredients.

Compare with similar items

**Similar item to consider**

Amazon Basic Care Children's Ibuprofen Oral Suspension 100 mg per 5 mL, Pain Reliever and Fever Reducer, Grape Flavor, 8 Fluid Ounces

\$6.82

★★★★★ (285)

12,415

3,800

One-time purchase: \$7.99 (\$2.00 / Fl Oz) FREE delivery: Tuesday, March 22 or orders over \$25.00 shipped by Amazon. Ships from: Amazon Sold by: Genexa

Subscribe & Save: 10% (35%) \$7.19 (\$1.80 / Fl Oz) Save 70% now and up to 18% on repeat deliveries. No fees. Cancel anytime. Learn more. Get it Tuesday, Mar 22

In Stock

Qty: 1

Deliver every: 2 months (Most common)


Set Up Now

Auto-deliveries sold by Genexa and fulfilled by Amazon

Add to List

Share

Have one to sell? Sell on Amazon

 **Genexa®**  
@Genexa

Clean Medicine Without the Junk  
Organic Beet Root Extract vs FD&C  
Red Dye No. 40

Which do you prefer?

#genexa #cleanermedicine  
#choosecleaner #readyourlabels



# Summary

Johnson & Johnson Consumer, Inc. McNeil Healthcare Division (JJCI) challenged express and implied claims made by Genexa Inc. for its over-the-counter children's pain and fever medicine. Specifically, JJCI challenged several express and implied pediatrician preference claims about the inactive ingredients in traditional OTC children's pain and fever medicine. NAD found that one reasonable message conveyed by the challenged advertising is that pediatricians surveyed prefer Genexa's product to JJCI's products, although the surveyed pediatricians expressed a preference solely based upon the ingredients contained in the products. The National Advertising Division recommended that the pediatrician preferred claims be discontinued.

JJCI also argued that the Genexa advertising made false and disparaging claims about traditional children's pain and fever medicine, including claims such as "PARABENS is stuff you'll find in ALL PURPOSE CLEANER. And, for some reason, in kids' fever

medicine." NAD concluded that the challenged claims conveyed the message that other products are unsafe or potential risks or dangers, a message that was not supported, and recommended that the claims be discontinued.

An NARB panel found that Genexa had no support for the challenged claims and recommended that the claims be discontinued or modified to make clear that the pediatrician's preference was limited to the ingredients. The panel also affirmed NAD's finding related to the challenged ingredient claims that the advertising conveyed a message that the inactive ingredients in other products are generally unsafe, harmful, or dangerous, and that such a message was unsupported. The NARB panel recommended that such claims be discontinued or modified to avoid conveying the message that competing products with other inactive ingredients are harmful.



9

# The Procter & Gamble Company (Febreze)

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## National Advertising Division

NAD Case #6977

May 2022

## National Advertising Review Board

NARB Panel Report #303

August 2022

Relevant Media

[Click here](#) to watch the video

Password: selfreg

00:30

# Summary

S. C. Johnson & Son, Inc. challenged express and implied claims made by The Procter & Gamble Company (P&G) for its Febreze line of products. The challenged “odor elimination” claims appeared in online advertisements, commercials and on the Febreze website. NAD determined that certain advertisements reasonably conveyed the message that Febreze products physically and chemically eliminate odors on a molecular level, whereas other challenged advertisements reasonably conveyed a message limited to the perception of malodor.

The National Advertising Division concluded that the extensive testing and reports submitted by P&G were not a good fit for claims of physically or chemically eliminating malodor on a molecular level. A purely sensory test, which

is intended to test only perception of odors, is not sufficient to support a claim of physical or chemical odor elimination because such a test evaluates only the perception of malodors, and not whether the odors have been physically or chemically eliminated. In addition, NAD found that P&G’s sensory testing was not a good fit for claims of sensory elimination (including instant and continuous elimination) due to the lack of evidence bridging the laboratory testing to real world conditions.

An NARB panel affirmed NAD’s decision and recommended that P&G discontinue certain “odor elimination” claims that P&G makes across its Febreze line of home fragrance products.

10

# Glad Products Company

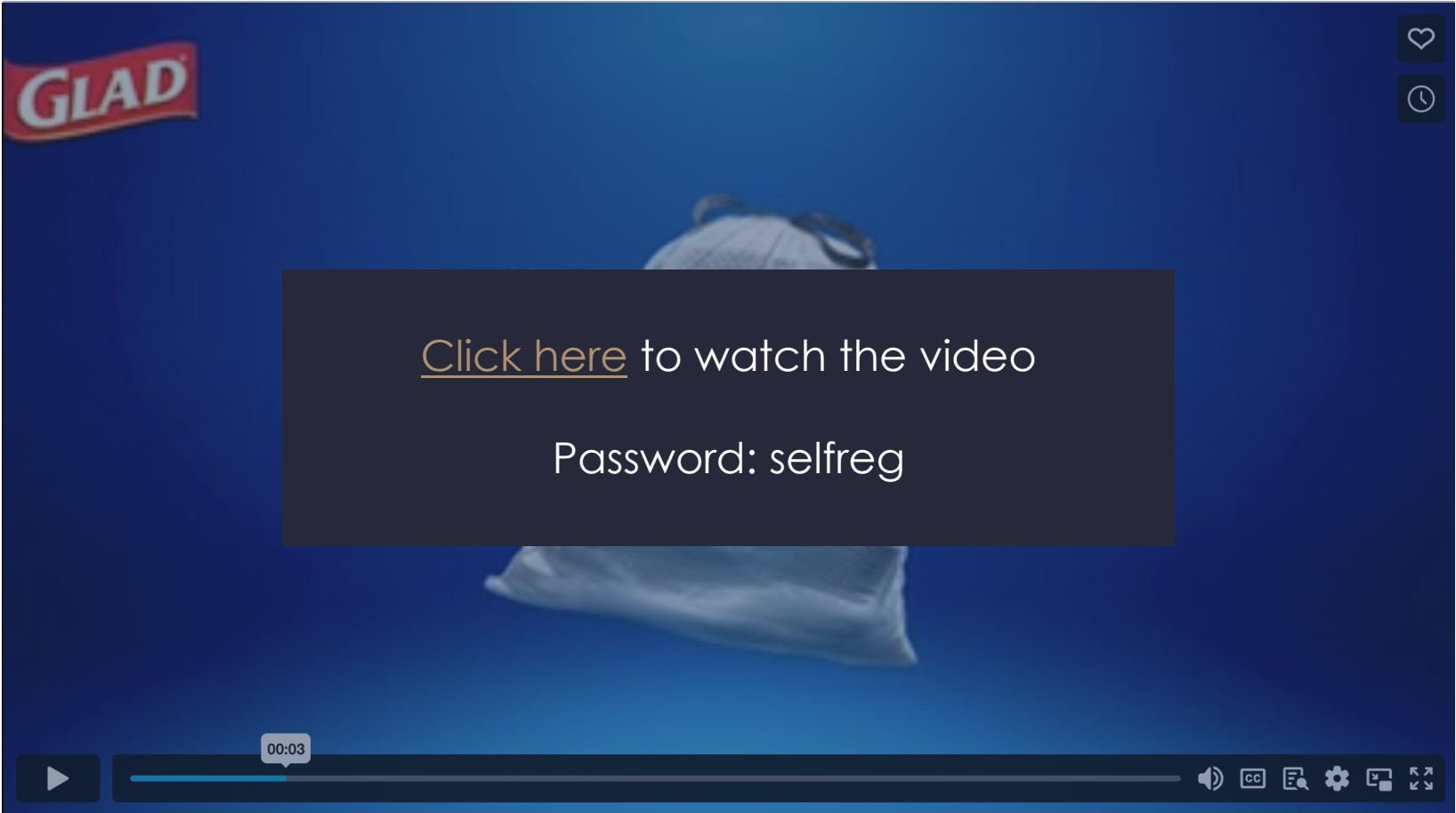
◆-----◆

## National Advertising Division

NAD Case #6992

January 2022

Relevant Media



GLAD

[Click here](#) to watch the video

Password: selfreg

00:03

# Summary

Reynolds Consumer Products LLC challenged express and implied claims for Glad Products Company's trash bags. While NAD determined that product packaging for Glad Products Company's ForceFlex Plus with Clorox Tall Kitchen Drawstring Bags appropriately ties the Clorox brand to its odor elimination role, and that product packaging for Glad's Quick-Tie Tall Kitchen CloroxPro Trash Bags does not have the potential to confuse consumers, it recommends that certain claims be modified or discontinued:

- Glad ForceFlex Plus with Clorox bags help consumers "maintain a clean and healthy home" and "keep your home feeling clean & healthy" to avoid conveying the message that ForceFlex Plus with Clorox trash bags

contain disinfecting attributes that contribute to a clean and healthy home.

- The depiction of the "germ-fighting" style imagery and use of the term "with Clorox protection" in its Amazon video to make clear that the benefit being promoted is odor elimination benefit and not a disinfecting one.

The National Advertising Division recommended the "Cleaning Commercial" be discontinued. When companies co-brand their products, it is important that the advertising make clear each brand's role in the co-branded product.

11

# Verizon (Ultra Wideband)

**National Advertising Division**

NAD Case #7106

August 2022

Relevant Media

Click [here](#) to watch the video

Password: selfreg

Verizon  
Ultra

5G Get More plan with 5G Ultra Wideband.

00:02



# Summary

In early 2022, Verizon Communications, Inc. expanded its 5G Ultra Wideband brand to include 5G connections on its mid-band or “c-band” network, which provides slower but broader coverage than connections on its high band network. AT&T Services, Inc. challenged express and implied claims that Verizon’s advertising conveyed the message that its 5G Ultra Wideband connectivity and associated performance benefits are available nationwide and are more available than unavailable. NAD disagreed that Verizon’s advertising conveyed a message of widespread availability but conveyed the message that Verizon is expanding its network in cities, not broadly in all geographic locations.

The National Advertising Division concluded that Verizon provided a reasonable basis for its claims that 5G Ultra Wideband is available in over 50% of all cities. However, NAD

recommended that when using a disclosure that states the number of “cities” where 5G Ultra Wideband is available, Verizon modify its advertising to explain how it defines “cities” for consumers. AT&T also challenged Verizon’s “Most Reliable” claim. NAD concluded that consumers could reasonably understand the “Most Reliable” message to apply to 5G Ultra Wideband. NAD recommended that the “Most Reliable” claim be discontinued because the RootMetrics report relied on by Verizon evaluated Verizon’s 5G Ultra Wideband network before it included c-band spectrum. While there are situations where older data can be used to substantiate a claim, especially in the fast-paced 5G industry where reports often lag behind innovations, this is not the case when there are major changes to a product or services that would directly render the older data stale.

# Emerging Issues

# 12

## JBS USA Holdings, Inc.

**National Advertising Division**

NAD Case #7135

February 2023

**National Advertising Review Board**

NARB Panel Report #313

May 2023

# Relevant Media

6/24/22, 5:20 PM

JBS Makes Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040 — JBS Foods

JBS FOODS' Q ☰

## JBS Makes Global Commitment to Achieve Net-Zero Greenhouse Gas Emissions by 2040

Press Release

Mar 23, 2021



Commitment is a First for the Global Meat and Poultry Sector

<https://jbsfoodsgroup.com/articles/jbs-makes-global-commitment-to-achieve-net-zero-greenhouse-gas-emissions-by-2040>

1/5

# Summary

The Institute for Agriculture and Trade Policy (IATP), a not-for-profit organization with the mission of working for fair and sustainable food and farm systems, challenged “net zero” claims made by JBS, the second-largest food company and the largest animal protein producer in the world. NAD determined that certain “net zero” claims such as “JBS is committing to be net zero by 2040” reasonably created consumer expectations that JBS has a plan in place to achieve its advertised “net zero” emissions by 2040.

The National Advertising Division concluded that while JBS provided evidence of a significant preliminary investment toward reducing emissions by 2040, the record did not support the broad message conveyed that JBS has a plan that it is implementing today to achieve net zero environmental impact by 2040. NAD recommended that JBS discontinue the challenged “net zero” claims.

An NARB panel affirmed NAD’s decision and recommended that JBS discontinued the challenged “net zero” claims.

13

PerSe Beauty Inc.  
d/b/a Prose

**National Advertising Division**

NAD Case #6992

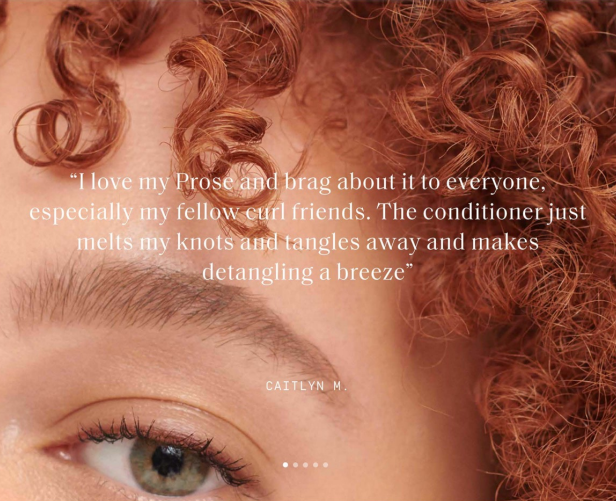
May 2021

# Relevant Media

4/9/2021 Prose's website displaying cherry-picked 5-star reviews, April 9, 2021 - <https://www.prose.com/reviews>  
Prose reviews | Prose Hair

Over 192,000 5-star product reviews!

Menu **prose** Get Started



"I love my Prose and brag about it to everyone, especially my fellow curl friends. The conditioner just melts my knots and tangles away and makes detangling a breeze"

CAITLYN M.

Prose by the numbers

**85+**  
factors examined to create our custom formulas

<https://prose.com/reviews> 1/9

4/9/2021 Prose's website displaying cherry-picked 5-star reviews, April 9, 2021 - <https://www.prose.com/reviews>  
Prose reviews | Prose Hair

Over 192,000 5-star product reviews!

Menu **prose** Get Started

products one could find at the grocery stores, and finally decided to take the leap and try out Prose. I typically have flat hair that gets oily quickly, and Prose was an amazing solution. I do not regret it AT ALL! I have been recommending Prose to all of my friends. From the amazing scent to the way it makes my hair feel to the knowledge that I am finally taking good care of my hair and scalp. Prose is amazing, 10/10 would recommend!

Laurie D.

IN THE PRESS

"I tried a customized hair-care regimen and was blown away by the results."

**allure**

"Prose is the custom haircare you need to try."

— MANE ADDICTS —

"Prose is one of the biggest and most successful entrants in ... customizable hair care."

<https://prose.com/reviews> 5/9

4/9/2021 Prose's website displaying cherry-picked 5-star reviews, April 9, 2021 - <https://www.prose.com/reviews>  
Prose reviews | Prose Hair

Over 192,000 5-star product reviews!

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to be. I was dubious about whether it would be worth it to spend this much money on my hair products, but there's no way I'm going back.

Rebecca R.

★★★★★

I'm in love with the Prose scalp treatment and shampoo. I've been trying to deal with my flaky scalp, oily and thin hair for too long with just about every drugstore and fancy salon product and nothing worked. I even tried not shampooing, but then something would come up and I would have to reset. The Prose products are working where so many have failed! I can't recommend this enough to my friends and family.

Moon M.

★★★★★

I was excited when a friend mentioned Prose to me. I love that they create the products to fit my needs based on what I'm looking for and even the state I live in. The smell of the shampoo/conditioner is amazing too! My hair feels great and the smell lasts all day. The products have helped my scalp and I hope with more continued use that it keeps helping. I highly recommend giving it a try. Totally worth it!

Alicia R.

★★★★★

I was on the hunt for a new shampoo and conditioner and I stumbled upon Prose. I have had an amazing experience with Prose. I enjoyed the questionnaire to determine what worked best for my hair and choose my own fragrance was great. I have seen a change with my hair, it seems healthier and happy. I like that I can go back and customize at any point as well as the subscribe and save.

Shaylina R.

<https://prose.com/reviews> 4/9

# Summary

Function Inc. challenged claims made by PerSe Beauty Inc. about its use of product reviews on its website. Product reviews may be considered reliable when they are matched to a bona fide purchaser; the solicitation gathers all opinions (for example, "tell us what you think" versus "tell us why you loved it"); counted reliably and in-line with consumers' expectations (for example, the same review across multiple platforms is only counted once); and any incentives are disclosed.

The National Advertising Division was unable to assess the reliability of the advertiser's evidence and how reviews were collected and maintained so recommended that the advertiser discontinue the claims.



14

BestCompany.com, LLC

**National Advertising Division**

NAD Case #6999




January 2022

# Relevant Media

Home / Health & Lifestyle / Invisible Braces

## Best Invisible Braces

16 Companies | 7,949 Real Customer Reviews

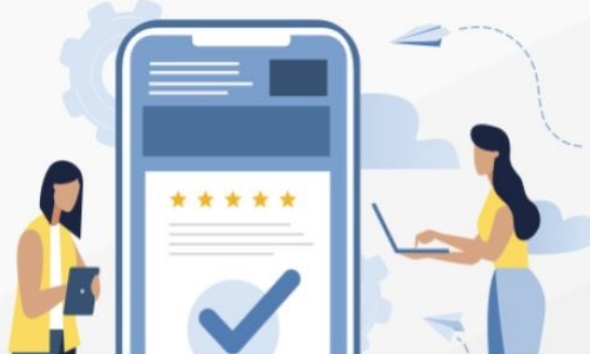
 #1 Overall	<b>byte</b> • Patented HyperByte® Device Included • Ranked #1 Overall in Customer Service • Offering Lifetime Guarantee	VERIFIED <b>9.6</b> Overall Score ★★★★★ 4,168 User Reviews 17 hours ago
 #2	<b>SmileDirectClub</b> • Network with Many Insurance Providers, See if You're Covered • See Results in as Little as 60 Days with No Office Visits • Treatments Prescribed and Managed by Licensed Dentists and Orthodontists	VERIFIED <b>8.9</b> Overall Score ★★★★★ 2,230 User Reviews 17 hours ago
 #3	<b>Candid</b> • Works Exclusively with Orthodontists, Not Dentists • Industry-Leading Oversight with CandidMonitoring • Financing Available at \$79 per Month	VERIFIED <b>8.5</b> Overall Score ★★★★★ 1,143 User Reviews 17 hours ago

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### OUR PROMISE

## We Promise Accurate Rankings and Honest Reviews

Rankings cannot be bought. We have been offered seven figures—multiple times—to alter our rankings to unfairly favor one company over another, not based on merit, but to “buy” a top spot. We love when this happens because we have an opportunity to share our vision with that company. We explain what the company will need to improve in order to earn a higher ranking.



### Trusted Rankings

We rank companies based on a simple and transparent ranking algorithm that weights user reviews and industry data. Companies cannot buy their rank, period.



# Summary

SmileDirectClub, LLC, a provider of clear aligner “invisible braces,” challenged express and implied claims made by BestCompany.com, LLC on its BestCompany.com website, which provides general information, reviews, and recommendations for a variety of products and services. At issue was whether Best Company operated as an impartial independent review site. 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. Product recommendations should be independent and based on reviews that are representative of the universe of consumer reviews for all companies reviewed and ranked.

The National Advertising Division determined that Best Company was not able to support the express and implied messages that its website is independent because its ranking criteria results in a higher score for businesses that have partnerships with Best Company and recommended that such claims be discontinued. However, NAD determined that Best Company had a reasonable basis for the claim that all reviews posted on the site are “moderated through a tech-enabled proprietary 7-point moderation process to ensure they are real and authentic.”

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