

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.