

Case #7224  
**Fenty Skin LLC**

(04/05/2024)

**Melt AWF Jelly Oil Makeup-Melting Cleanser**

**Challenger:** *National Advertising Division*

**Product Type:** *Cosmetics / Beauty Products / Toiletries*

**Issues:** *Consumer Survey; Endorsements; Performance Claims; Product Demonstration/Testing*

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

## **BBB NATIONAL PROGRAMS**

### **NATIONAL ADVERTISING DIVISION**

NATIONAL ADVERTISING DIVISION,  
*Challenger,*

FENTY SKIN LLC,  
*Advertiser.*

Case No. 7224

Closed (04/05/2024)

## **FINAL DECISION**

- Where there is an ongoing relationship between the brand and the influencer, and the purpose of the endorsement is a visual demonstration of the product's performance a material connection disclosure can be considered clear and conspicuous when it appears in the video itself.

### **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 National Advertising Division ("NAD" or "Challenger") initiated this inquiry as part of its ongoing monitoring program into certain advertising made by Advertiser Fenty Skin LLC ("Fenty Skin" or "Advertiser") for its Melt AWF Jelly Oil Makeup-Melting Cleanser. The following are representative of the claims that served as the basis for this inquiry:

#### *A. Express Claims*

- "From longwear or waterproof makeup, sunscreen, dirt, oil + impurities, melt that... all AWF in one go 100%."
- "This unique jelly texture gently delivers clean, nourished + conditioned skin without the stripping or drying."
- "In a study of 52 people after 1 use '100% agree it gently cleanses skin leaving it clean and fresh, 98% agree it removes #HYDRAVIZOR SPF 30 Moisturizer and 98% agree skin feels deeply cleansed, nourished and supple.'"
- "Clean"

## *B. Implied Claims*

- Product demonstration by @sarah\_novio accurately depicts how the product performs and was not enhanced or edited to improve results.
- Product review by @sarah\_novio represents an honest review that is not a paid endorsement.
- Product demonstration by Crème Fatale accurately depicts how the product performs and was not enhanced or edited to improve product results.
- Product review by @cremefatale represents an honest review that is not a paid endorsement.
- Fenty Melt AWF Jelly Oil Makeup-Melting Cleanser can break down and remove waterproof eyeliner, waterproof mascara, and waterproof foundation in one application.

## **II. Evidence Presented**

The Advertiser provided a final report from October 2022 on the clinical testing and consumer use evaluation of Fenty Melt AWF Jelly Oil Makeup-Melting Cleanser, as well as a declaration from Cullin Mahon, Vice President of Regulatory Affairs for Fenty Skin.

## **III. Decision**

Fenty Skin LLC is responsible for all sales and marketing of Fenty Skin products and launched its Melt AWF Jelly Oil Makeup-Melting Cleanser in March 2023. NAD initiated this monitoring inquiry based on express and implied claims on Fenty Skin's Instagram regarding the product's efficacy in removing makeup, dirt and impurities. NAD also inquired about product demonstrations posted by influencers and then re-posted by Fenty Skin on its social media sites.

### *A. Challenged Advertising*

Social media posts for Fenty Melt AWF Jelly Oil Makeup-Melting Cleanser include descriptions, visuals, and demonstrations of the product melting away makeup as it cleanses. An Instagram post featuring visuals of the product states in the accompanying description "Don't forget to #MELTAWF the beat after these weekend turn ups!" followed by a winking emoji and a water drip emoji. The description continues with "Drip into our new Jelly Oil Makeup-Melting Cleanser that gets the job done" followed by three strong arm emojis. Advertising claims include, "From longwear or waterproof makeup, sunscreen, dirt, oil + impurities, melt that sh\*t all AWF in one go 100%. This unique jelly texture gently delivers clean, nourished + conditioned skin without the stripping or drying boo!" followed by a star emoji.

In a separate Instagram post Fenty also makes quantified express claims about the product that, "In a study of 52 people, after 1 use: 100% agree it gently cleanses skin leaving it clean and fresh, 98% agree to removes #HYDRAVIZOR SPF 30 Moisturizer, 98% agree skin feels deeply cleansed, nourished, and supple."

Product demonstrations by influencers @cremefatale and @sarah\_novio were re-posted by Fenty Skin to its own Instagram page. The product demonstrations feature the influencers using Fenty Melt AWF Cleanser to remove waterproof makeup. This inquiry reviews both the truth and accuracy of the product demonstrations as well as whether the posts require material connection disclosures.

During the pendency of the monitoring inquiry Fenty Skin advised NAD that it had permanently discontinued the use of "clean" on product packaging and online. In reliance on the Advertiser's

representation that the challenged claim was permanently discontinued, NAD did not review the express claim on its merits. The voluntarily discontinued claim will be treated for compliance purposes as though NAD recommended its discontinuance or modification and the Advertiser agreed to comply.

### *B. Advertiser's Evidence*

Fenty Skin provided the final report from independent clinical testing of Fenty's Melt AWF Cleanser along with a consumer use evaluation of the product. Fifty-two subjects of varied races and skin types between 20 and 55 years of age completed the study. The complete study included an initial evaluation at a testing facility that included a consumer use survey, followed by a one-week period during which subjects used the product at home in accordance with product use instructions and ended with a return to the testing facility for evaluation and another consumer use survey.

For the initial evaluation subjects arrived at the testing facility with a clean face and acclimated to room conditions for 15 minutes. A trained technician evaluated each subject for irritation and took a Corneometer® measurement<sup>1</sup> on the face of each subject. Subjects completed the first use of the test product and immediately after the trained technician took another Corneometer® measurement. The results comparing baseline measurements to measurements after first product use showed a mean improvement of 74.2%.

Each subject applied long wear and waterproof eyeliner, mascara, foundation and lipstick supplied by the testing facility under the supervision of a trained technician. Trained technicians then scored the appearance of the makeup.<sup>2</sup> Approximately 5 minutes after makeup application each subject used Fenty Skin's Melt AWF Cleanser according to instructions. Immediately after the test product was used the trained technician repeated the makeup appearance grading. Results showed that Fenty Melt AWF Jelly Oil Makeup-Melting Cleanser reduced the appearance of the eyeliner, foundation, lipstick, and mascara with one use.<sup>3</sup>

Immediately after the subject's first-use of the product subjects also answered a 34-question Fenty Skin-supplied questionnaire about their perceptions of the product. Subjects were given a statement about the product and could choose if they strongly agreed, agreed, disagreed, or strongly disagreed with the statement. A majority of subjects (75%-100%) responded positively (strongly agreed or agreed) to all questions about various attributes of the product. All subjects strongly agreed or agreed that after their first-use of the product the Melt AWF Jelly Oil Makeup-Melting Cleanser cleansed their skin and left their skin feeling clean and refreshed.

Subjects were then given the test product and a daily diary to take home and were instructed to return to the testing facility after 1 week of product use. At their 1 week visit a trained technician evaluated each subject for irritation and reported no incidences of irritation. Additionally, at the one week visit

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<sup>1</sup> Corneometer® measures moisture in the skin. An increase in measurement indicates an improvement in skin moisture and a decrease indicates a worsening.

<sup>2</sup> Makeup application and removal was evaluated according to the following scale: 0=no makeup visible, 1=some makeup visible, 2= some makeup visible, 3=noticeable makeup visible, 4=very noticeable makeup visible.

<sup>3</sup> For eyeliner the baseline mean score grading makeup application was 4.0 versus a baseline mean score of .8 after test product use. For foundation the baseline mean score for makeup application was 4.0 versus a baseline mean score of 0.1 after test product use. For lipstick the baseline mean score after makeup application was 4.0 versus 0.3 after test product use. For mascara the baseline mean score was 4.0 versus 0.0 after test product use.

subjects were instructed to apply Fenty Skin’s Hydra Vizor sunscreen moisturizer to a clean, dry face and five minutes after application, remove the product using Fenty Skin’s Melt AWF Jelly Oil Makeup-Melting Cleanser. Immediately after the product’s use subjects completed a 1-question survey asking if they strongly agreed, agreed, disagreed or strongly disagreed with the statement, “This product remove the Sponsor-supplied SPF.” 98% of subjects either strongly agreed or agreed with the statement. In addition, the subjects completed the same 34-question Fenty Skin-supplied survey regarding their perceptions of the product. Again, most subjects (77%-100%) responded positively (strongly agreed or agreed) to all questions about various attributes of the product. All subjects strongly agreed or agreed that the product removes oil and leaves skin feeling clean and fresh.

### C. *Standard of Review*

Advertisers must possess a “reasonable basis” for claims disseminated in advertising.<sup>4</sup> What constitutes a “reasonable basis” depends on several factors, including the type of product, the type of claim, the consumer benefit from a truthful claim, the ease of developing substantiation for the claim, the consequences of a false claim, and the amount of substantiation experts in the field believe is reasonable.<sup>5</sup>

### D. *Analysis of Express Claims*

During the pendency of the inquiry, Fenty Skin informed NAD that it modified the claim, “From longwear or waterproof makeup, sunscreen, dirt, oil + impurities, melt that... all AWF in one go 100%” to remove the word “all” and the 100% emoji. Accordingly, NAD reviewed the modified claim “From longwear or waterproof makeup, sunscreen, dirt, oil + impurities, melt that... AWF in one go.”

#### 1. “Melt that... AWF in one go”

To support its claim the Advertiser relied on the results of the independent clinical testing that demonstrated one use of Fenty’s Melt AWF Cleanser removed the waterproof and longwear foundation, eyeliner, mascara and lipstick to less than 1 on a 4-point scale with 0 defined as no makeup visible and 4 defined as very noticeable makeup visible.

The clinical testing used the Fenty product to remove makeup and sunscreen 5 minutes after application while users would ordinarily remove makeup many hours after application. The Advertiser explained that the adhesion of makeup and sunscreen is at its strongest when first applied. Throughout the day makeup and sunscreen slowly degrade with sweat and oil from the skin so that makeup and sunscreen are easier to remove; therefore, the 5-minute measurement is a good test to ensure strong product performance of a makeup remover and cleanser.

The Advertiser also maintained that the results from the consumer use surveys after initial use and one week also substantiate the product’s performance claims. After their first use of the product 94% strongly agreed/agreed that the product removes dirt, 98% strongly agreed/agreed that the product removes oil and 88% strongly agreed/agreed that the product removed impurities. Results from the

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<sup>4</sup> *Guardian Technologies, LLC (GermGuardian and PureGuardian Air Purifiers and Replacement Filters)*, Report #6319, NAD/CARU Case Reports (November 2019).

<sup>5</sup> *Pfizer Inc.*, 81 F.T.C. 23 (1972). See also FTC, *Policy Statement Regarding Advertising Substantiation* (Nov. 23, 1984), <https://www.ftc.gov/public-statements/1984/11/ftc-policy-statement-regarding-advertising-substantiation>.

second consumer use survey given at the one-week timepoint and immediately after Fenty's Melt AWF Cleanser was used to remove the Fenty Skin-supplied sunscreen show that 98% of subjects strongly agreed/agreed that the product removes the Fenty Skin-supplied sunscreen. The one-week survey also asked subjects if Fenty's Melt AWF Cleanser removed dirt, oil and impurities and 98% strongly agreed/agreed that the product removed dirt, 100% strongly agreed/agreed the product removed oil and 96% strongly agreed/agreed it removed impurities.

NAD first assessed the reliability of the study and consumer-use surveys. It is well-established that the nature and extent of the claims in question should be directly analogous to the precision and specificity of the data used to substantiate them.<sup>6</sup> Here the study assessed the performance capability of Fenty's Melt AWF Cleanser with an appropriate number of subjects that reflect the product's target audience with varied assessments (i.e., instrumental, expert and self-evaluation). Generally, test conditions should correlate to real-world experience to ensure that performance claims are meaningful and not misleading.<sup>7</sup> The most reliable measure of a product's performance is demonstrated by studies designed to test the product in the same manner the product will be used. While it is unlikely that consumers will use a makeup remover and cleanser five minutes after they apply their makeup or sunscreen, NAD agreed that testing at this time point ensures the product performs when the makeup and sunscreen adhesion are at its strongest making it a consumer relevant time point.

Having determined that the study's methodology was reliable, NAD assessed whether the study and consumer use survey are a good fit for the claim. NAD concluded that the technician assessments provided objective evidence of makeup removal after one-use and the self-evaluation by subjects regarding makeup removal provided additional support that the product's performance was consumer relevant and met consumer expectations for removing longwear and waterproof makeup.

While the product's ability to remove dirt, oil, impurities, and sunscreen was not assessed by the independent evaluators in the study the record did contain a declaration from Fenty's Vice President of Regulatory Affairs that explained how the study results relate to removing dirt, oil, impurities, and sunscreen. Specifically, the expert declaration explained the mechanism of action for oil and oil soluble cleansing substances and how it breaks apart binding properties from makeup, sunscreen, dirt, oil, and debris that adhere to the skin making it easier to remove them by physically wiping them away or rinsing with water. He further explained that cleansers that can effectively dissolve the binding properties and break the adherence of long-wear and waterproof makeup will effectively cleanse the skin of sunscreen as well as other less-adherent impurities like dirt.

NAD concluded that the evidence, taken together, demonstrates that the product cleanses the skin of dirt, oil, impurities, and sunscreen after the first use. Accordingly, NAD found the Advertiser provided

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<sup>6</sup> *Guthy-Renker, LLC (Crepe Erase® Anti-Aging Body Care Treatment System)*, Report #6298, NAD/CARU Case Reports (July 2019) *aff'd in part, reversed in part*, NARB Panel #259 (Dec. 2019); *BioPharmX Inc. (Violet Iodine Breast Health Supplement)*, Report #6021, NAD/CARU Case Reports (November 2016); *Honeywell International, Inc. (Programmable Thermostats)*, Report #5646. NAD/CARU Case Reports (October 2013).

<sup>7</sup> *Louisiana-Pacific Corporation (SmartSide Home Siding Products)*, Report #7227, NAD/CARU Case Reports (October 2023); *Euro-Pro Operating, LLC (Shark Infinity NV30 & NV31)*, Report #4703, NAD/CARU Case Reports (July 2007), *aff'd in part, reversed in part*, NARB Panel #147 (March 2008).

a reasonable basis for the monadic performance claim “From longwear or waterproof makeup, sunscreen, dirt, oil + impurities melt that... AWF in one go.”

2. “This unique jelly texture gently delivers clean, nourished + conditioned skin without the stripping or drying.”

The Advertiser relied on the Corneometer® results showing a mean improvement of 74.2% indicating an increase in hydration to support its claim that the Fenty product delivers “nourished + conditioned skin without the stripping or drying.” The study measured hydration after the Fenty Melt AWF Cleanser was used on a clean face, not a face with makeup. The Advertiser explained that the bulk fillers in makeup interfere with Corneometer® measurements; therefore, the Corneometer® measurements were taken independently of the makeup removal to avoid any interference from the makeup at baseline. If the technicians took Corneometer® measurements on a face with makeup it would make the hydration increase look bigger when the makeup was removed.

NAD concluded that taking the Corneometer® measurements on a clean face avoided misleading results and was therefore consumer relevant.

The Advertiser also maintained that the subjective consumer-use survey results bolster the objective Corneometer® readings as 100% of subjects strongly agreed/agreed that the product gently cleanses skin, 96% strongly agreed/agreed that it cleanses skin without stripping and 88% strongly agreed/agreed that the product cleanses skin without drying. Similarly, 92% of users strongly agreed/agreed the product conditions skin and leaves skin feeling nourished. After one-week of use the survey results were similar as 98% strongly agreed/agreed that the product gently cleanses skin and cleanses skin without stripping and 92% strongly agreed/agreed it cleanses skin without drying.

NAD concluded that the objective Corneometer® results are corroborated by the subjective assessments and together provide a reasonable basis for the monadic performance claim “This unique jelly texture gently delivers clean, nourished + conditioned skin without the stripping or drying.”

### 3. Subjects Agree Claims

During the inquiry, Fenty Skin informed NAD that it modified its original claim to read “In a study of 52 people after 1 use ‘100% agreed it gently cleanses skin leaving it clean and fresh, 96% agreed that it cleansed skin without stripping, 92% agreed it removes makeup.’” NAD reviewed the revised claim.

Quantified subjective claims are impactful to consumers, especially in the cosmetics market. Consumers are interested in the reaction of others who have used the product and how they perceive it. Here, the message conveyed by the percentage agreement claims is that consumers are satisfied or agree that the product works as to these specific attributes.

A properly conducted consumer use survey requires certain standards and controls to ensure that the responses are free from bias, that there is a representative study population and that there is proper validation of results.<sup>8</sup> Here while the consumer population was not nationally representative or particularly large in size, the study was conducted on various skin types (dry, sensitive, oily) and races

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<sup>8</sup> *Advantice Health (Kerasal Fungal Nail Renewal)*, Report #6421, NAD/CARU Case Reports (October 2020); *Beauty Science Group, Inc. (Hair La Vie)*, supra; *Behavioral Technology Group, Inc. (Pavlok)*, Report #6028, NAD/CARU Case Reports (November 2016).

representing the target audience.<sup>9</sup> The study also had reasonable inclusion and exclusion criteria, with well-constructed survey questions. Furthermore, as part of the main claim the Advertiser clearly tells consumers the claims are based on a study of 52 people after one use, giving consumers the information they need to evaluate the claim. Additionally, the subjective claims about gently cleansing the skin without stripping are also supported by the objective Corneometer<sup>®</sup> results, and the subjective makeup removal claim is supported by the results observed by the independent evaluators.

The consumer use survey results after the subjects' first use of the product provide a reasonable basis of support for the claim that "In a study of 52 people after 1 use '100% agreed it gently cleanses skin leaving it clean and fresh, 96% agreed it cleansed skin without stripping, and 92% agreed it removes makeup.'"

#### *E. Analysis of Endorsement Disclosures*

NAD also inquired about product demonstrations of Sarah Novio and Crème Fatale using Fenty's Melt AWF Jelly Oil Makeup-Melting Cleanser to remove makeup posted on TikTok and then re-posted by Fenty Skin to their Instagram page.

NAD looks to FTC's Guides Concerning Use of Endorsements and Testimonials in Advertising ("Guides") for principles in evaluating endorsements and testimonials in advertising, marketing and other promotional messaging. The Guides reflect the basic advertising principle that endorsements must be honest and not misleading, reflect the honest opinion of the endorser and cannot be used to make a claim the advertiser couldn't legally make on its own.<sup>10</sup> In addition, the Guides state if there is a material connection between an endorser and the marketer that a consumer would not expect and it would affect how they evaluate the endorsement, that connection should be disclosed clearly and conspicuously.<sup>11</sup> It is also well-established that product demonstrations must be supported, accurate and representative of the level of product efficacy that a reasonable consumer can expect to achieve.<sup>12</sup>

The Advertiser did not dispute that the demonstrations reasonably convey the message that Fenty's Melt AWF Jelly Oil Makeup-Melting Cleanser can break down and remove waterproof eyeliner, waterproof mascara and waterproof foundation in one application and argued that the performance claim was supported by the clinical testing and survey results. NAD concluded that the clinical and survey results substantiated the reasonably conveyed message, as discussed in detail above. Additionally, the evidence in the record established that the video demonstrations were accurate and not enhanced.

#### 1. Crème Fatale Endorsement

Crème Fatale, a drag artist and influencer, has a relationship with Fenty Skin to create content and demonstrate its products in use. Crème Fatale's Instagram page includes a "Paid Partnership"

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<sup>9</sup> See *Guthy-Renker, LLC (Crepe Erase<sup>®</sup> Anti-Aging Body Care Treatment System)*, supra (NAD found 52-person consumer use test was sufficient to support claims that 82% of users reported skin was instantly smoother after use of product).

<sup>10</sup> See Federal Trade Commission's Guides Concerning the Use of Endorsements and Testimonials in Advertising ("FTC Endorsement Guides"), 16 CFR §255.

<sup>11</sup> 16 C.F.R. § 255.5 (a).

<sup>12</sup> *Advantice Health (Kerasal Fungal Nail Renewal)*, supra.

disclosure immediately below Crème Fatale’s name to alert users to the material connection with Fenty Skin. During NAD’s inquiry, Crème Fatale’s Instagram page was updated to include both the “paid partnership” disclosure in the legend immediately below Crème Fatale’s name and include #ad and #sponsored in the caption in blue font. Fenty Skin’s Instagram page was updated to include #AD at the start of the caption, in all caps and in a contrasting color with the other text to increase visibility. NAD reviewed the posts as updated.

Crème Fatale’s relationship with Fenty Skin, as an influencer contracted to create content, is a connection that would not be reasonably expected by the audience and would likely affect the weight or credibility of the endorsements; therefore, it is a material connection that must be clearly and conspicuously disclosed. According to the Guides, clear and conspicuous, “means that a disclosure is difficult to miss (*i.e.*, easily noticeable) and easily understandable by ordinary consumers.”<sup>13</sup> The Guides also provide that if the representation necessitating a disclosure is made through visual means, then the disclosure should at least be made in the communication’s visual.<sup>14</sup>

NAD found that Crème Fatale’s “paid partnership” disclosure accurately tells viewers there is a material connection between Fenty Skin and Crème Fatale, but that the built-in Instagram disclosure alone is not enough to satisfy the FTC’s clear and conspicuous disclosure requirement. The Guides caution that relying on social media built-in tools alone may not be enough and that they are more effective when used in conjunction with other clearer forms of disclosure.<sup>15</sup> Additionally, the “#ad” and “#sponsored” added to Crème Fatale’s Instagram post would be easily missed by consumers as they appear on the fourth line of the post description that would only be noticed if the consumer clicked on the link to expand the post. The examples in the Guide provide that if a material connection disclosure is only visible when a viewer clicks on a link labeled “more” it is not unavoidable and thus not clear and conspicuous.<sup>16</sup>

Crème Fatale’s video is a visual demonstration of how Fenty’s Melt AWF Cleanser works to remove waterproof makeup. Endorsements that visually display product performance rely on video and images to demonstrate benefits, therefore disclosures in the video itself are more likely to be noticed and understood and satisfy the FTC’s clear and conspicuous standard. As the Guides explain a visual disclosure, by its size, contrast, location, the length of time it appears and other characteristics, should stand out from any accompanying text or other visual elements.<sup>17</sup> Accordingly, NAD recommended that the Advertiser require Crème Fatale to modify the challenged post to include a clear and conspicuous material connection disclosure in the video demonstration itself.

Fenty Skin re-posted Crème Fatale’s video demonstration to its own Instagram page and added the disclosure “#AD” in a contrasting color with the other text to the beginning of the post. While adding the “#AD” disclosure tells consumers there is a relationship between Fenty and Crème Fatale the Guides suggest that this disclosure alone may not satisfy the clear and conspicuous requirement.

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<sup>13</sup> 16 C.F.R. § 255.5 (f).

<sup>14</sup> *Id.*

<sup>15</sup> 16 C.F.R. § 255.5 (f)(9)(iii).

<sup>16</sup> 16 C.F.R. § 255.5 (f)(9)(ii).

<sup>17</sup> *Id.*

Accordingly, for the reasons described above NAD recommended that the Advertiser re-post Crème Fatale’s video demonstration with the modified disclosure discussed above.

## 2. Sarah Novio Endorsement

Fenty Skin explained that Sarah Novio is a micro influencer and independent product reviewer that posts reviews of cosmetic and skin products on her Instagram page. Ms. Novio made the video in question in March 2023 and posted it on TikTok, and Instagram. Fenty Skin re-posted it to Instagram in April 2023. While Fenty Skin did not hire Ms. Novio to make the video it did provide Ms. Novio with a free bottle of Fenty Melt AWF Jelly Oil Makeup-Melting Cleanser to try. While Ms. Novio included a “gifted” disclosure in her caption on TikTok she neglected to do so on Instagram and when Fenty Skin re-posted the video they did not include any disclosure.

Although there is no ongoing relationship between Ms. Novio and Fenty Skin, the Guides make clear that providing an influencer with free product is a material connection that requires disclosure because it can affect the weight a consumer gives the endorsement and is not reasonably expected by the consumer.<sup>18</sup>

Fenty Skin advised NAD that it requested that Ms. Novio update the post to include a clear disclosure that she received the product for free. Additionally, Fenty Skin removed the post from its own Instagram and will re-post only if and when the disclosure is corrected by Ms. Novio. NAD appreciates Fenty Skin’s commitment to truthful and transparent advertising and will treat the commitment to modify the post by Ms. Novio, for compliance purposes, as though NAD made the same recommendation and the Advertiser agreed to comply.

## IV. Conclusion

During the pendency of the monitoring inquiry Fenty Skin advised NAD that it had permanently discontinued the use of “clean” on product packaging and online. In reliance on the Advertiser’s representation that the challenged claim was permanently discontinued, NAD did not review the express claim on its merits.

NAD found the Advertiser provided a reasonable basis for the monadic performance claim “From longwear or waterproof makeup, sunscreen, dirt, oil + impurities melt that... AWF in one go.”

NAD concluded that that the advertiser had a reasonable basis for the monadic performance claim “This unique jelly texture gently delivers clean, nourished + conditioned skin without the stripping or drying.”

NAD determined the modified claim “In a study of 52 people after 1 use ‘100% agreed it gently cleanses skin leaving it clean and fresh, 96% agreed that it cleansed skin without stripping, 92% agreed it removes makeup” was supported.

NAD concluded that the clinical and survey results substantiated the reasonably conveyed message that Fenty Melt AWF Jelly Oil Makeup-Melting Cleanser can break down and remove waterproof

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<sup>18</sup> 16 C.F.R. § 255.5 (a).

eyeliner, waterproof mascara, and waterproof foundation in one application and that the video demonstrations were accurate and not enhanced.

NAD recommended that the Advertiser require Crème Fatale to modify the challenged post to include a clear and conspicuous material connection disclosure in the video demonstration itself. NAD also recommended that the Advertiser re-post Crème Fatale's video demonstration with a modified disclosure.

Fenty Skin advised NAD that it requested that Ms. Novio update the post to include a clear disclosure that she received the product for free. Additionally, Fenty Skin removed the post from its own Instagram and will re-post only if and when the disclosure is corrected by Ms. Novio. NAD appreciates Fenty Skin's commitment to truthful and transparent advertising and will treat the commitment to modify the post by Ms. Novio, for compliance purposes, as though NAD made the same recommendation and the Advertiser agreed to comply.

## **V. Advertiser's Statement**

Fenty Skin will comply with NAD's Decision. We are gratified that NAD found that Fenty Skin's claims are supported. Fenty Skin supports the self-regulatory process and appreciates NAD's thoughtful review. **(#7224 JS, closed 04/05/2024)**