

NAD Fast-Track SWIFT Case #7590 (07/13/2026)

Parties: Vacation, Inc. / Beiersdorf, Inc.

Product: Classic Lotion and Classic Spray SPF Products

Product Type: Cosmetics / Beauty Products / Toiletries

Disposition: Substantiated In Part / Modified-Discontinued In Part

Claim: Puffery

BBB NATIONAL PROGRAMS

NATIONAL ADVERTISING DIVISION

BEIERSDORF, INC.,
Challenger,

VACATION, INC.,
Advertiser.

Case No. 7590

Closed 07/13/2026

FAST-TRACK SWIFT CASE

Basis of Inquiry: As part of NAD's Fast-Track SWIFT program designed to quickly and efficiently review advertising claims that involve a single well-defined advertising issue, Beiersdorf, Inc. ("Beiersdorf" or "Challenger") challenged Vacation, Inc.'s ("Vacation" or "Advertiser") claim that its sunscreen products are the "World's Best-Smelling Sunscreen."

I. The Challenged Advertising

The parties sell competing sunscreen products. The Advertiser claims that its sunscreen is the "World's Best-Smelling Sunscreen." The claim appears on the product label, on signage on retail store shelves, on social media and on the Advertiser's homepage.

The Challenger argued that the Advertiser cannot support the claim that its sunscreen is the best-smelling in the world, while the Advertiser argued that the claim is puffery.

NAD determined that the challenge was appropriate for and could proceed in SWIFT as it presented the single issue of whether the "World's Best-Smelling Sunscreen" was puffery.

II. Decision

The Challenger argued that smell is an objectively measurable attribute tied to the challenged claim, and therefore is an objective claim that requires substantiation. The Challenger explained that there are ASTM standards for measuring smell and hedonic scales for preference that are used for claim support. The Advertiser argued that the challenged claim "The World's Best-Smelling Sunscreen" is puffery and that best-

smelling in the context of the advertising is subjective and that consumers would not expect “world’s best-smelling” to require substantiation.

A claim that a product is the “world’s best” may constitute puffery depending on the context in which it appears.¹ If the claim is such that reasonable consumers would not expect it to be substantiated, then the claim is puffery.² If, on the other hand, the context suggests that the claim is one that consumers would expect to be substantiated, then the claim is not puffery.³ Claims that are objectively provable or tied to objectively measurable attributes are less likely to be puffery; claims made in a grossly hyperbolic, subjective and humorous context are more likely to be puffery.⁴

Smell is a product attribute and can be measured. But the fact that a test methodology exists to measure smell does not necessarily mean that consumers would expect a claim of “World’s Best-Smelling Sunscreen” to be substantiated. The issue before NAD is whether reasonable consumers would expect the Advertiser to have undertaken a comparison of every single sunscreen in the world to support the “World’s Best” claim. In addition, even though there are scales that can be used to measure whether a small sample of people like or dislike a particular smell and attempt to extrapolate that data to a larger population, smell preference is inherently subjective. Given the inherent subjective nature of the claim and the grossly exaggerated characterization of the product’s smell, NAD found that reasonable consumers are unlikely to take the claim, when presented by itself, seriously. NAD concluded that the claim “World’s Best-Smelling Sunscreen,” when appearing alone, such as in the case of the retail signage and the product label was puffery.

NAD reached a different conclusion with respect to the claim on the Advertiser’s website. The claim is surrounded by quotation marks and displayed immediately above five stars, with the text “4.8/5.0” and “13,457 Reviews” immediately below:

¹ *S.C. Johnson & Son, Inc. (Glade Products)*, Report #6415, *NAD/CARU Case Reports* (September 2020) (“In determining whether or not a claim constitutes puffery, NAD considers several factors including whether the representations concern general matters that cannot be proven or disproved; whether the statements are distinguishable from representations of specific characteristics that are measurable by research or test, or whether the wording uses expressions of opinion that will be discounted by the buyer.”).

² *Id.* (“obvious hyperbole, exaggerated displays of a manufacturer’s pride in its product and other non-provable claims, the truth and accuracy of which cannot be determined, have been found to constitute puffery”); *Old Trapper Smoked Products, Inc. (Old Trapper Smoked Beef Jerky)*, Report #7252, *NAD/CARU Case Reports* (December 2023) (“Clearly the Best Beef Jerky” found to be puffery).

³ *Noom, Inc. (Microdose GLP-1rx Program (Compounded GLP-1))*, Report #7539, *NAD/CARU Case Reports* (May 2026) (“A Smaller Dose. A Smarter Start” found to be not puffery).

⁴ *Compare LegalZoom, Inc. (Online Corporate Formation Services)*, Report #7303, *NAD/CARU Case Reports* (August 2024) (“Best LLC Service” is puffery) with *Pactiv Corporation (Hefty OdorBlock Trash Bags)*, Report #5105, *NAD/CARU Case Reports* (November 2009) (“world’s best” is not puffery when paired with claims of odor control).



Quoted claims that appear immediately above ratings information are often either quoted testimonials from one of the reviews or a summary of the reviews. By tying the claim to the reviews in this manner, consumers may take away the message that the claim is more than puffery and relies on the reviews as substantiation for a claim of preference. NAD therefore recommended that the Advertiser modify its advertising to avoid conveying the message that the “World’s Best-Smelling Sunscreen” is substantiated by the reviews.⁵

III. Conclusion

NAD concluded that the claim “World’s Best-Smelling Sunscreen,” when presented by itself, such as in the case of the retail signage and the product label, was puffery. NAD recommended that the Advertiser modify its advertising to avoid conveying the message that the “World’s Best-Smelling Sunscreen” is substantiated by the reviews. (#7590 ZW, closed 07/13/2026)

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⁵ The Challenger also argued that the Advertiser improperly refers to its sunscreen’s scent as “award-winning.” The Advertiser explained that this claim was referring to a different product. In any event, the Advertiser voluntarily agreed to permanently modify this claim to more directly tie the “award-winning” language to the relevant product and not the “World’s Best-Smelling Sunscreen” claim. The modified claim will be treated, for compliance purposes, as though NAD recommended its modification and the Advertiser agreed to comply.