

NAD/CARU/NARB Procedures Revised, Effective Sept. 26, 2018

Laura Brett, Director, National Advertising Division, announced Tuesday at the NAD Annual Conference some important revisions to the procedures that govern advertising industry self-regulation, including a change to allow advertisers to introduce new evidence in closed NAD proceedings.

The change is responsive to the recommendation offered by the ABA Antitrust Section's Working Group.

"We believe the change balances allowing advertisers to make truthful, substantiated claims with the need for speed and finality in the self-regulatory process for competitive challenges. We appreciate the time and attention that frequent users of NAD and members of the ABA Working Group spent on the careful review of the changes and their thoughtful, helpful comments," said Ms. Brett.

Under the revised procedures, an advertiser making claims that NAD previously recommended be discontinued may follow one of two courses if it believes it has developed new substantiation for those claims: The advertiser may either resume use of the disallowed claim and request NAD consider the new evidence in any compliance proceeding that may be initiated or the advertiser may seek NAD's review of the new evidence prior to resuming the claims.

The process is detailed in sections 3.8 – 3.9 of The Advertising Industry's Process of Voluntary Self-Regulation.

In addition, the procedures have been revised to reflect:

- The appropriate contact for questions about open or closed NAD matters (Section 2.1 A)
- An increase in the filing fee for challengers who have been National Partners of the Council of Better Business Bureaus for less than one year (Section 2.2 A (1))
- The construction of the Advertiser's Statement (Section 2.9 B)
- Additional language on compliance (Section 4.1)

The procedures are available at <http://www.asrcreviews.org/asrc-procedures/>

If you have any questions, please contact Annie Ugurlayan, NAD Assistant Director, Communications, augurlayan@nad.bbb.org.