

How to Properly Use Establishment Claims in Advertising

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“Clinically proven...” “Laboratory tested.” “45% More Effective!” Claims like these sell product. They also carry with them the assertion that the advertising claim has been “established” or proven by competent and reliable testing. Establishment claims can be express (e.g., “Studies show...”) or implied (e.g., use of a caduceus or images of actors in lab coats). In all cases, however, they require that a company have the form of substantiation alluded to by the claim and that the touted performance benefit be both statistically and clinically meaningful. The risks for the unprepared advertiser are substantial, and include Lanham Act litigation, competitor-initiated challenges at the National Advertising Division (NAD), regulatory inquiries, consumer class actions, and adverse publicity.

In two recent articles, John Villafranco provided helpful tips for companies interested in [using establishment claims](#) in advertising and discuss the [appropriate use of consumer feedback](#) to develop marketing strategies. In addition to providing tips on substantiating establishment claims stemming from consumer feedback, Villafranco discussed the risks involved with using testimonials obtained through social media.

As companies increasingly integrate establishment claims and consumer feedback into marketing campaigns, these articles can assist teams in effectively marketing product without incurring substantial and unnecessary risks.