

NAD Addresses Apples, Oranges, and Dogs

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February 13, 2022



The makers of Bravecto ran a TV ad comparing Bravecto and NexGard – both flea and tick prevention products – and starring one of the actors from *Best in Show*. The makers of NexGard challenged the ad before the NAD and the resulting decision holds important lessons for anyone running comparative ads. If you want to take break to watch some dogs, you can find the commercial [here](#) (or you can just skip to the picture of my dogs below).

One of the dogs in the ad was given Bravecto and the other was given NexGard. The actor declares that “it’s time to see which chew is best in show for long-lasting flea and tick protection,” and the contest begins. At Week 1, both dogs are happy, but at Week 5, the dog that took NexGard is shown scratching itself. The dog that took Bravecto never scratches, even as the contest ends at Week 12, and a vet declares Bravecto to be the clear winner.

The makers of NexGard argued that the ad unfairly compares its product (which must be taken every 30 days) with the advertiser’s product (which must be taken every 12 weeks) and suggests that NexGard is ineffective. Bravecto countered that the ad simply provides a truthful comparison of the two products’ duration of action, without making any comparative superiority claims. Moreover, a disclosure at the bottom of the ad clearly conveys the dosage instructions.

NAD sided with NexGard and determined that one reasonable interpretation of the ad is that Bravecto provides better flea protection than NexGard, not just that Bravecto is dosed for 12 weeks as compared to 30 days for NexGard. There was no evidence in the record to support the superiority claim. NAD reminded advertisers that when making “apples-to-oranges” comparisons in order to highlight features of two products, the ads should clearly disclose the material differences between the products.

Bravecto argued that it did clearly disclose the differences. In fact, if you look at the ad, you’ll see the disclosure stays on screen almost the entire length of the 30-second spot. Although that’s much longer than the typical disclosure, NAD still found that the disclosure was not sufficiently clear and conspicuous “because it is in small print, in light font, against a dynamic background and the language itself is not easy to understand.”

Advertisers often ask whether a TV disclosure is good enough because the font is large or because it’s on screen for a long time. In reality, no single factor determines whether a disclosure is clear and conspicuous. A disclosure that is large enough and on screen long enough may still not be sufficient if other elements of the ad make it hard to read.

NexGard wins for now, but Bravecto promised to appeal. And you win, too, because you learned some things and got to look at cute dogs.

