

# NAD Addresses Comparison Charts

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October 31, 2025

A recent NAD decision looks at an issue that frequently comes up for advertisers but doesn't often make its way into NAD decisions—how companies can use charts to compare features they offer against those offered by their competitors. It sounds easy enough, but it can get complicated, especially because companies don't always advertise features the same way.

ZenBusiness uses a chart to compare the features it offers to those offered by its competitor Tailor Brands. The eighth row of the chart below reads "100% Accuracy Guarantee." There's a check mark under ZenBusiness to indicate that the company offers the guarantee, and there's an "x" mark under Tailor Brands to suggest the competitor doesn't offer a similar guarantee.

ZenBusiness argued that its chart was accurate. The company offers a 100% accuracy guarantee which provides that if ZenBusiness ever makes mistakes in its filings, the company will fix those mistakes at no cost to its customers. In contrast, ZenBusiness pointed out that Tailor Brands doesn't advertise a similar guarantee.

Tailor Brands argued that the chart falsely implies that ZenBusiness's filings are more accurate than those of Tailor Brands. Tailor Brands also noted that although it doesn't advertise a "100% accuracy guarantee" to customers, it effectively offers the same correction service as ZenBusiness, fixing errors at no cost to its customers.

NAD determined that "one message reasonably conveyed" by the chart is that "Tailor Brands does not strive to provide accuracy or correct internal filing errors. Accordingly, NAD recommended that ZenBusiness modify its advertising to avoid conveying the message that Tailor Brands does not work to provide accuracy in its filings."

This decision suggests that just because a competitor doesn't advertise a feature doesn't necessarily mean that the competitor doesn't offer that feature. Sometimes, it's necessary to look beyond what the company advertises to determine whether it offers a feature or something similar. Suggesting otherwise could be misleading.