

NAD Addresses Disclosures on TikTok Shop

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November 30, 2025

Procter & Gamble filed an NAD challenge against Blueland, arguing that influencers promoting Blueland's cleaning products on the TikTok Shop did not adequately disclose their connection to the company. The influencer posts generally fell into four categories:

- Some posts included a #bluelandpartner disclosure, but viewers would only see the disclosure if they expanded the post's caption. Blueland voluntarily said it would contact the influencers and require them—to the extent the company has a relationship with them—to ensure that #BlueLandPartner appears at the top of the caption so that viewers don't need to click to see it.
- Some video posts did not include a disclosure in the video content. (It's not clear if a disclosure appeared in a caption.) Blueland said it would contact the influencers and require them—again, to the extent the company has a relationship with them—to ensure that #BlueLandPartner appears in the video itself.
- Some influencers received free products and participated in Blueland's TikTok shop affiliate program. For these influencers, NAD found that TikTok's "automated disclosure 'creator earns commission' sufficiently informs consumers that a commercial relationship exists between the creators and Blueland and that no additional disclosure is necessary." However, a footnote suggests that NAD may have reached a different conclusion if the free products had been more valuable.
- During the proceeding, Blueland identified posts from four influencers who may have received additional compensation beyond the commissions they earned in the TikTok Shop affiliate program. Blueland voluntarily said it would contact these influencers and require them to include additional disclosures in their posts. (The decision doesn't say what those disclosures are.)

This is the second NAD case dealing with disclosures on the TikTok Shop this year. Both decisions demonstrate how important it is to give influencers clear instructions about what they need to disclose and how they need to disclose it. The decisions also suggest that as much as brands may want a one-size-fits-all approach to disclosures, they may need to tailor their approach depending on the relationship with each influencer.