

NAD Considers Whether “Best Practices” are Really the Best Practices

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The Certified Angus Beef organization (or “CAB”) is a nonprofit organization that certifies high-quality Angus beef. CAB encourages beef producers to participate in the Beef Quality Assurance (or “BQA”) program, claiming that the program represents “best practices” for animal handling, animal care, and responsible antibiotic use.

Animal Partisan is a nonprofit organization whose stated mission is improving the welfare of animals and combating the suffering of animals in agriculture. The organization filed an NAD challenge against CAB arguing, among other things, that CAB’s “best practices” claims were misleading because other standards for cattle care are more rigorous.

If you work in the meat or food industries, you may want to review NAD’s decision in full. In this post, though, we’ll just focus on a theme in decision that is broadly applicable across industries – what messages terms like “best practices” are likely to convey to consumers and what advertisers may need to do to substantiate those claims.

Looking to a dictionary, NAD noted that the term “best practices” refers to “a procedure that has been shown by research and experience to produce optimal results and that is established or proposed as a standard suitable for widespread adoption.” The term does not necessarily suggest that the practices are superior to others. As always, though, a lot depends on context.

NAD noted that CAB hadn’t claimed that BQA program represents “*the*” set of best practices in the industry. (The decision may have turned out differently, if CAB had used that article.) Moreover, CAB hadn’t made comparisons to other standards. In this context, NAD determined that reasonable consumers were likely to understand “best practices” to refer to practices that experts in the industry highly recommend.

CAB demonstrated that the BQA program is adopted by 85% of the industry and submitted declarations from experts who explained the standards and compared them to others that the challenger had touted as being better. Based on this evidence, NAD was satisfied that CAB could substantiate the claim that BQA represents practices that experts in the industry highly recommend, even if some of the standards weren’t always the most rigorous.

This case suggests that you may be able to use the term “best practices” to refer to standards without necessarily conveying a superiority claim, but you need to be careful about what language you use. Just because you don’t have to substantiate a superiority claim, though, doesn’t mean that you don’t have any substantiation requirements. You will still likely need to demonstrate that the standards are rigorous and likely to produce good results or that they are highly-regarded by

experts.