

NAD Decision Focuses on Influencer, in Addition to the Brand

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Earlier this month, we [posted](#) about a decision in which NAD determined that influencer Brittany Mahomes had not adequately disclosed her relationship to Skims Body – a fashion brand that specializes in underwear and loungewear – in various Instagram posts. This week, NAD announced another decision related to the same campaign. This second inquiry was directed towards 1Up Sports Marketing, who represents Mahomes.

Although Mahomes' Instagram posts didn't mention or tag Skims in the post descriptions, the brand was tagged in the image. NAD noted that the FTC has "made it clear that tagging a brand you are wearing in a social media post is an endorsement of the brand." Accordingly, because Mahomes tagged Skims in the post, she should have clearly disclosed her relationship to the brand.

In the first decision, NAD recommended that Skims take steps to ensure that Mahomes either add clear disclosures to her posts or that she take the posts down. In this decision, NAD urged 1Up Sports Marketing to do the same thing. During the course of the inquiry, Mahomes modified her posts to include the necessary disclosures. NAD was happy with the changes.

This decision doesn't break any new ground, but it's worth noting that NAD is expanding its inquiries to include influencers and agencies, not just brands.