

NAD Explores When Companies can be Responsible for Third-Party Reviews

Gonzalo E. Mon

March 16, 2023

If a third-party writes a good review of your product – or, even better, rates it as one of the best – can you link to that review? A new NAD decision suggests that the answer may not be as easy as people think.

Routine Wellness makes haircare products, including a shampoo and conditioner that are designed to strengthen hair. My Best Self, a lifestyle blog, published an article entitled “5 Best Shampoos for Women with Hair Loss.” A Routine Wellness product took first place, and Routine Wellness sponsored posts on Facebook and Instagram that linked to the article.

NAD found the social posts as part of their routine monitoring and had concerns about some of the claims in the article. (It’s not clear from the decision which claims caught NAD’s attention.) Even though Routine Wellness did not sponsor, approve, or control the claims, NAD took issue with the company linking to those article. Here’s the key part of the decision:

It is well-established that when an advertiser quotes, restates, links to, or otherwise disseminates claims made about its product by a third party, those same third-party claims become advertising claims made by the advertiser for which the advertiser must have substantiation.

According to NAD, when Routine Wellness linked to article, claims made about Routine Wellness’ haircare products in the article “became advertising claims of Routine Wellness for which Routine Wellness must have a reasonable basis of support.” To answer the initial question, this decision suggests you can only link to a review if you can substantiate all claims in that review.

Click [here](#) for another case involving haircare reviews and [here](#) for a case involving haircare claims.