

NAD Finds Hair Drying Claims Get Tangled Up in the Visuals

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Dreame advertised that its Dazzle Hair Styler and the Miracle Pro Hair Dryer could both dry shoulder-length hair in two minutes. Dyson challenged three variations of the drying time claim that were paired with images of models drying hair that fell far longer than their shoulders. Dyson argued that consumers were likely to interpret the ads to mean that the products can also dry longer hair in two minutes.

Dreame disagreed that consumers would interpret the ads as Dyson suggested. Among other things, the company argued that its ads disclosed that the claim applied to shoulder-length-hair and that the disclosure appeared in a clear and conspicuous manner. NAD determined that many disclosures were not clear and conspicuous, however, noting that consumers would have to scroll to find them.

NAD noted that even in the examples where the claim explicitly mentioned shoulder-length hair, “nothing in the proximate text limits that claim to shoulder-length hair.” Thus, consumers looking at the models could reasonably believe that similar results are possible for longer hair. To avoid confusion, NAD held “the images and the text should match” or the ad should disclose “the claim does not apply to the length of hair depicted in the image.”

Advertisers should take a close look at visuals that accompany performance claims. If the image suggests results that go beyond the substantiation, a disclosure may not be enough to untangle the problem. As NAD put it, the images and claims should generally match.