

NAD Reviews Sharp Language in Pricing Claims

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This week, NAD announced a decision in a challenge brought by The Gillette Company against Mammoth Brands, the makers of Harry's Plus Razors. The challenge encompasses various claims, but today we're just going to focus on an issue that comes up frequently across industries: comparative pricing claims.

Mammoth compared the price of a Harry's Original 8-count refill (\$17) and a Harry's Plus 8-count refill (\$25) to a Gillette Fusion5 ProGlide 8-count refill (\$39). Mammoth told consumers that Gillette was "straight up taking advantage of you" for "a couple pieces of metal and some plastic" and urged them to "stop getting ripped off by your razor company."

Gillette took issue with the prices Mammoth quoted, noting that consumers could receive a one-time discount from Gillette other retailers. NAD noted that "price comparisons should reflect prices that are charged on a regular basis and for a reasonably substantial period of time." Isolated sales prices shouldn't be used. Accordingly, NAD found that Mammoth's numbers were appropriate.

Gillette also objected to the suggestion that it was taking advantage of customers and ripping them off. Although NAD has often taken a strong position on disparaging claims, here NAD noted that "disparagement alone does not warrant discontinuance of a claim that is not false or misleading." Although the language in the ads was "somewhat hyperbolic," NAD didn't seem to be too bothered by it.

This decision provides helpful guidance to advertisers looking to make price comparisons. It's important to ensure you focus on the regular prices at which products—both yours and your competitor's—are sold for a reasonably substantial period of time. And while aggressive language can draw scrutiny, truthful claims supported by fair comparisons won't automatically be shut down just because they're sharp.