

NAD Revives “Review Hijacking” Concept Dropped from FTC Rulemaking

Ioana Gorecki, John E. Villafranco

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When the FTC proposed its consumer reviews and testimonials rule in 2023 (discussed [here](#)), it included a provision targeting so-called “review hijacking” — the practice of reusing reviews written for one product to promote a “substantially different” one. The FTC defined “substantially different product” as a product that differs “in one or more material attributes other than color, size, count, or flavor.” According to the agency, this practice misleads consumers by suggesting that reviews for a particular product apply equally to a new or different version.

In the final rule, however, that language quietly disappeared (as discussed [here](#)). The FTC explained that it wasn’t ready to draw definitive boundaries around what constitutes a “substantially different” product and opted to reserve that issue for future consideration. With no enforcement actions since, many assumed the issue had been shelved.

Not quite.

In a recent case, the National Advertising Division (NAD) effectively revived the FTC’s tabled “review hijacking” concept. Niagen Bioscience challenged Reus Research, alleging that Reus’s Cata-Kor NAD+ Advanced supplement displayed consumer reviews originally posted for a prior NR product. Despite having been launched only a few months prior, NAD+ Advanced already boasted thousands of ratings and reviews on Amazon and TikTok—numbers that seemed inconsistent with its short time on the market.

After reviewing the listings, NAD concluded that many of the reviews belonged to the earlier product or pre-dated the launch of the new one. Using the FTC’s own terminology from its now-retired provision, NAD found that:

“Because the NAD+ Products and the NR product are substantially different products, NAD advised that their product ratings and reviews should not be combined.”

NAD recommended that Reus “take appropriate actions” — which may include asking Amazon to remove the improper reviews.

This appears to be the first NAD decision to explicitly address review “hijacking,” but it shouldn’t be read as a new frontier in enforcement. NAD didn’t expand its jurisdiction or create a novel legal standard; rather, it applied existing truth-in-advertising principles to a novel aspect of digital marketing. The message is straightforward: consumer reviews should accurately correspond to the product being sold.

NAD’s reliance on the FTC’s “substantially different” concept, however, leaves several practical

questions unresolved. How different must two products be before reviews can no longer be shared? Are modest reformulations or dosage changes enough to render reviews non-transferable? What about supplements delivered in a different form — such as a capsule versus a gummy — or non-supplement categories like apparel, personal care, or electronics, where iterative product updates are standard business practice? We'll have to wait and see whether new NAD challenges on these issues provide these answers.

For now, this case serves as a reminder that even without an FTC rule on the books, competitors and self-regulatory bodies remain attentive to how brands manage reviews and product variations. Advertisers should consider re-checking product listings and review practices to ensure feedback and ratings are tied to the correct product. If a product has undergone a major reformulation or rebranding, confirm that older reviews aren't being automatically carried over. Also, it is helpful to maintain documentation showing why products are (or are not) substantially different in case of a challenge. Given that marketplaces like Amazon control most of the technical side of review migration and variation, brand teams may need to engage directly with platform support when SKUs or ASINs change.