

NAD Updates Fast-Track SWIFT Process

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Last month, we posted about the FTC's warning letters to marketers reminding them that they need to ensure that influencer posts and incentivized reviews include appropriate disclosures. And, shortly after that, we posted about the FTC's new policy statement warning marketers that they need to clearly disclose the terms of their subscription offers. Mindful of the FTC's recent actions, this morning, NAD announced a new, streamlined lane of the expedited Fast-Track SWIFT challenge submission process, one designed specifically to address the prominence and sufficiency of disclosures in national ads. This is an update to the process that was launched in 2020.

According to the press release, this "fully online process is intended to streamline and simplify cases to encourage use of Fast-Track SWIFT for influencer marketing, consumer reviews, and dark pattern issues that arise when material information is not disclosed, leading to consumer distrust in advertising. The new lane of Fast-Track SWIFT will use existing procedures but removes the requirement to submit a letter with the challenge (now optional) and reduces the filing fee."

The ease of the new process should serve as a reminder to marketers to take a close look at how they work with influencers, solicit reviews, and make disclosures. Because challenges will be easier, we expect they will be more likely. Looking at this offensively, the new process could be a good opportunity for marketers who are already doing things right to challenge their competitors.

For more information, contact our team or visit bbbprograms.org/NAD-Fast-Track-SWIFT.