

# NARB Disagrees with NAD on who the “Big Guys” Are

Gonzalo E. Mon

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Last year, T-Mobile ran a commercial in which Snoop Dogg breaks down Patrick Mahomes’ “top three plays of the day” with additional commentary from influencer Kai Cenat. Mahomes scrambles into a T-Mobile store with a “little shimmy, shimmy shake” (like he’s chasing an ice cream truck), holds up an iPhone 16 Pro “like a baby lion,” and then takes T-Mobile’s savings and “calls it a day.” Snoop tells the audience that families who use T-Mobile can save 20% a month “versus the other big guys.”

As we [wrote](#) last month, one of the key questions in an NAD challenge filed by Charter was how consumers are likely to interpret the term “big guys.” T-Mobile demonstrated that it, Verizon, and AT&T collectively represent 94% of the US market. In contrast, Charter only represents 3.6% of the market. Accordingly, T-Mobile argued that consumers clearly understand the term “big guys” to refer to its two major competitors and, therefore, that it only had to support the savings claim with respect to them.

NAD disagreed, thinking that “consumers are unlikely to know a mobile provider’s market share data when assessing comparative claims, as they are primarily focused on securing service from a provider that is available to them where they live.” Although Charter has a much smaller footprint than the top three competitors, consumers in that footprint could reasonably believe the savings claim referred to Charter. Accordingly, NAD held that T-Mobile also needed to support the claim with respect to Charter.

On appeal, NARB disagreed with NAD on this point. It determined that the “big guys” are “Verizon, AT&T, and T-Mobile, the traditional leaders in the category with significant market shares. Reasonable consumers would not in the panel’s view consider the mobile services of Spectrum or other providers with even smaller market shares to be in the ‘big guys’ category.” Therefore, those consumers are unlikely to think that the savings claim applies to Charter.

NAD has often held that an ad can convey a comparative claim against a specific competitor, even if that competitor isn’t named in the ad. (Click [here](#) for a case that illustrates that principle.) NARB’s decision doesn’t change that principle, so advertisers still need to ensure that comparative ads don’t convey broader claims than they can support. NARB’s decision does, however, provide some flexibility for how advertisers can make comparisons against clear market leaders.