

Not All Surveys Are Created Equal

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Between January 2006 and June 2011, the National Advertising Division (NAD) of the Better Business Bureaus found that 71 percent of the consumer perception surveys introduced by parties to an NAD proceeding were unreliable and, therefore, had little or no impact on the final outcome of case. The NAD's standards for a well-executed survey are exacting, yet the NAD does not use a set formula to evaluate consumer perception evidence and may find that a survey is either reliable or fatally flawed based upon the survey design, survey questions, and the statistical significance of the survey results. Given the time and resources required to conduct a credible survey, parties to an NAD proceeding should carefully consider the factors that influence the NAD's analysis of survey evidence.

A new article in *Privacy & Consumer Protection Law*³⁶⁰, "[Not All Surveys Are Created Equal](#)," discusses the primary reasons why the NAD discounts the large majority of consumer perception surveys introduced during challenges, describes the framework by which the NAD analyzes survey evidence, and outlines the survey design characteristics that have the greatest influence on generating a reliable survey.