

When Puffery Gets Sticky

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Howies Hockey advertises that it makes the “World’s Highest Quality” athletic tape and hockey tape. Mueller Sports Medicine challenged the claim before NAD, arguing that it conveyed “a misleading and unqualified superiority message” that Howies’ products are higher quality than competing products. Howies countered that the slogan was just puffery.

As we discussed in our [recent post on puffery](#), whether a claim is puffery often depends on context. This case provides a good example.

When the “World’s Highest Quality” claim appeared on packages and point-of-sale displays without references to specific product attributes or competitors, NAD concluded that consumers were unlikely to interpret the claim as “conveying an objective message that Howies’ products are superior to competing products.” In that context, the claim was puffery.

But when the same claim appeared near references to measurable product attributes, including strong adhesive, high tensile strength, ease of tearing, durability, and consistency, NAD reached a different conclusion. In those contexts, NAD found that the claim “becomes an objective representation regarding the performance or other tangible attributes of a product that is sufficiently specific and material enough that substantiation is required.”

Puffery often works best when you leave it alone. Once you start taping specific, measurable claims to it, those claims may stick. Advertisers should consider how claims appear in context because what starts as a boast can quickly become something that requires substantiation.