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Consumer Protection Review





Takeaways:

1. Regulators continue to emphasize that relative comparisons in advertising must be supported by fact-based evidence.
2. Each claim in an advertisement remains subject to review by the National Advertising Division.

Last week, advertising self-regulatory body the National Advertising Division (NAD) recommended that Diversey, Inc., discontinue certain advertising claims about its reusable storage bags, including claims comparing its products to other competing brands. At issue were Diversey's statements made in print media, in YouTube videos, on the company website, and on Amazon websites as challenged by S.C. Johnson & Son, Inc., the maker of Ziploc resealable plastic storage bags. Diversey claimed, among other things, that its "thicker" Cryovac resealable bags were "better" than Ziploc bags and that its "EXTRA THICK WALL CONSTRUCTION stands up to rough handling." NAD concluded—without objection from Diversey—that a thicker bag is not necessarily a better bag. Resealable bags are constructed using a variety of plastics with varying degrees of cost and strength. Because Diversey was unable to provide "evidence in the record to support the reasonably conveyed message that 'better minimum bag thickness' provides a stronger or more durable bag," NAD recommended that Diversey discontinue those comparative claims. Although it disagreed with "a few of NAD's recommendations," Diversey modified or discontinued most of its comparative claims during NAD's investigation. See NAD's [press release](#) for more information about these and other claims about Diversey's Cryovac storage bags.

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