

Insights: Alerts

NAD Puts VKTRY Performance Insoles' Claims to the Test—And It's No Shoe-In for Superiority

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The National Advertising Division (NAD) recently delivered a pointed reminder to the athletic gear and consumer products industries: if you want to advertise superior performance, you'd better have the science to back it up. In a challenge that left no claim unturned, NAD scrutinized the bold promises behind VKTRY Performance Insoles, including headline-grabbing assertions like “Jump Higher, Run Faster” and specific statistics touting “1.6” Higher Vertical Jumps; .12 seconds faster 40-yard dashes; 41% less foot injuries.”

VKTRY's claim that its insoles “enhance support & stability to reduce the risk of injury” tripped over the substantiation hurdle. NAD found the supporting studies wanting: sample sizes were small, methodologies were unclear, and the populations studied didn't represent the broader target market of athletes. Even when studies suggested potential benefits, they lacked the rigor and statistical power necessary for health or safety claims, which are held to the highest evidentiary standards in advertising law. Accordingly, NAD advised VKTRY to pull these claims from its marketing materials.

While glowing athlete endorsements might pump up sales, they can't legally stand in for scientific evidence. NAD reminded advertisers that testimonials must reflect typical results and be supported by competent and reliable evidence. VKTRY's “instant results” testimonials and implied claims didn't make the cut.

A few claims crossed the finish line; NAD found that:

- “Worn by pro and college athletes” was adequately supported by VKTRY's sales data;
- “Accepted by American Podiatric Medical Association” was reasonable, but advertisers shouldn't imply APMA recommends the product over competitors; and
- “Backed by 15 years of research & development” passed muster, but should be used cautiously to avoid implying unsupported performance benefits.

Finally, NAD flagged an important compliance point for all advertisers: any material connection between a brand and its endorsers—including compensated athletes—must be clearly and conspicuously disclosed, in line with FTC guidelines.

Practice Pointer:

For clients making performance or health claims, this case is a master class in compliance. Marketers should take care to marshal rigorous, consumer-relevant, statistically significant evidence before making bold assertions. And when it comes to testimonials or endorsements, a reminder: advertising is no place for shortcuts—only substantiated claims will make it across the finish line.

If you have questions about defending your brand, attacking false advertising, or navigating other complex brand disputes, reach out to our [Advertising & Marketing](#) or [IP Litigation teams](#).

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