Insights: Perspectives

KTS Advertising Law Guides: Anatomy of a False Advertising Challenge

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At some point in any lawyer's career, it is likely that a client will come to them demanding action about a competitor's false advertising. Whether the competitor is lying in an explicit comparison with your client's product or service, or just lying about their own product that implies that your client's is worse, your client will demand action. And quickly. At that point, you will need a playbook to orchestrate a response, not only to address the actual legal issues, but also to manage your client's expectations.

Litigation, as we all know, is expensive, time consuming, can splinter off in unintended directions, and often most importantly, can divert the company's attention from the day to day, intensely competitive operation of the business. For those reasons, litigation should always be a last resort, albeit an option that must be a genuine threat.

This piece describes steps to take to address false advertising by a competitor.

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