April 7, 2026

No Substitute for Substance: NAD Reiterates Guidance on Performance Imagery and Third-Party Endorsements

by Bryan J. Wolin , Shreya P. Desai

The National Advertising Division (NAD) recently reiterated several longstanding principles of comparative advertising in a monitoring decision concerning skincare product ads. In *Pretty Boy, Inc*. (Case No. 7495), NAD examined whether the advertiser's use of a perfect "health score" provided by a third party and before-and-after imagery conveyed adequately supported claims. After reviewing the advertiser's substantiation, which included additional third-party certifications, NAD found the advertiser's evidence insufficient.

NAD determined that the claim "100/100 Health Score (via the Yuka App)" was literally true. However, Yuka App ratings are limited to whether a product contains "harmful parabens" or a "harmful UV filter." Most consumers are unfamiliar with Yuka ratings and would, therefore, believe the advertiser is making broader—and unsubstantiated—performance claims. NAD recommended that the advertiser provide additional disclosures clarifying the basis for the Yuka "Health Score," and the advertiser agreed.

The advertiser's before-and-after ads also violated a well-known advertising rule according to the NAD: before-and-after imagery conveys performance claims that must be consistent with what a reasonable consumer can expect to achieve when using the product as directed. The images at issue showed clear improvements in conditions such as redness, fine lines, and undereye bags. Typically, objectively provable health claims require competent and reliable scientific evidence. This advertiser instead relied on a summary of a consumer survey. NAD rejected this evidence because self-reported consumer feedback was not scientific performance evidence, and due to methodological flaws in the underlying survey.

The advertiser also cited the National Eczema Association (NEA) Seal of Acceptance, which it received for two of its products, in another effort to support its before-and-after image claims. NAD rejected this evidence because the advertiser failed to disclose how the NEA tested the underlying products. Without detailed test data, NAD could not assess the reliability of the testing underlying the Seal of Acceptance and, therefore, could not accept it as adequate substantiation. Ultimately, NAD recommended that the advertiser discontinue the before-and-after image advertising, and the advertiser agreed.

Key takeaways for advertisers:

1. Third-party ratings and scores must be clearly explained. Without context, they risk conveying broad implied claims that cannot be supported.
2. Before-and-after images convey objective performance claims and must be backed by competent and reliable testing.
3. Endorsements based on third-party testing can support claims, but only if the underlying testing aligns with and substantiates the specific claims being made.
4. Subjective consumer feedback does not replace objective, clinically valid evidence, particularly for health-related claims.

NAD's decision reinforces a familiar but increasingly enforced rule: advertisers cannot rely on third-party support or compelling visuals to imply more than the evidence supports. When it comes to skincare claims, there is no substitute for a good fit between the claim and the proof.

For questions, contact your Kilpatrick Advertising Team.