

# Learn how the CRN/NAD review platform has raised the bar for supplement advertising and how you can engage

Over a decade ago, the Council for Responsible Nutrition (CRN) approached the National Advertising Division (NAD) with a novel idea: create a program to increase monitoring of dietary supplement and functional food advertising, restore consumer confidence, and level the playing field so that all companies play by the same rules. Since then, NAD and CRN have created a robust platform that allows NAD to review claim substantiation on important and meaningful issues such as health-related advertising, the category which comprises the vast majority of our supplement and functional food cases.

## What is the CRN/NAD Initiative?

Since 2006, CRN has provided NAD—an investigative arm of the advertising industry's voluntary self-regulatory body—with a series of grants enabling the NAD to expand its oversight program covering print, broadcast, infomercial and internet dietary supplement advertising.



*This program enhances the marketplace for dietary supplements by increasing consumer confidence in the truth and accuracy of advertising claims for dietary supplement products and encourages fair competition within the industry.*

## What Does the NAD Do?

NAD reviews national advertising and labeling and evaluates whether the claims are deceptive or misleading and whether they go beyond what is supported by research. NAD examines dietary supplement advertising challenges reported by consumers and competitors, as well as advertising identified through the NAD's monitoring process. The grants from CRN, totaling more than \$2.1 million since the program's inception, have allowed the NAD to increase the number of dietary supplement cases it examines. CRN additionally submits challenges and separately pays the submission fees—an option open to anyone. CRN is not part of the decision process regarding whether the claims are determined to be truthful and accurate—creating a truly impartial forum upon which consumers and industry can rely to help ensure that supplement advertising is truthful and substantiated.

The initiative provides companies with a forum for the prompt, voluntary discontinuance of misleading or unsubstantiated advertising claims, encouraging fair competition within the industry while providing a cost-effective and rapid resolution process allowing advertisers the opportunity to comment, withdraw and/or correct advertising.

## By the Numbers and Beyond:

### CRN-NAD Dietary Supplement and Functional Food Initiative Since 2006

- **Over 300 Decisions to Date:**

By the end of 2018, the CRN-NAD Initiative claimed 339 decisions.

- **NAD Reviews Nearly 30 Dietary Supplement Cases a Year:**

NAD decisions run the gamut in terms of the types of health issues that are targeted in dietary supplement and functional food advertising. While NAD has issued decisions in the more traditional supplement spheres of weight loss, sports performance, heart disease, and cold prevention, it also has considered supplement claims for breast feeding, sexual dysfunction, tinnitus, computer eye strain, and those seeking the courage to speak publicly.

- **Company-to-Company Competitor Challenges Have Dramatically Risen:**

It is not just NAD monitoring and CRN challenges that have increased: company-to-company competitor challenges also dramatically rose. In the first 35 years of NAD history, NAD closed approximately four dietary supplement competitor challenges. As of the end of 2018, NAD had 48 published competitor-challenged case decisions.

- **CRN-NAD Initiative Has Created an Extensive Library of Claim Substantiation Guidance:**

Much more than case counts and volume of issues considered, the CRN-NAD Initiative's true value is that it provides clear and consistent claim substantiation guidance to an industry that is advertising about a deeply personal issue of universal concern: human health. NAD decisions are maintained in an NAD database and available to any entity that subscribes to this archive. The advertising law principles of competent and reliable scientific evidence found in the NAD archives are rigorous, and also harmonized with guidance from federal regulators.

# CRN/NAD Program: High Praise from Regulators and Significant Program Visibility

Almost 12 years after the first contract was signed, the CRN-NAD program continues to maintain a powerful presence in the supplement industry.

Our initiative has high visibility amongst the bigger industry members and law firms with an advertising practice. CRN and NAD speak regularly at industry conferences and bar associations with an eye towards increasing this visibility and also educating advertisers about claim substantiation, particularly among smaller and newer companies that may not be aware of the vast body of substantiation guidance this program has created. As always, the CRN-NAD Initiative is featured at the NAD Annual Conference every year, including inviting Steve Mister on the Initiative's 10<sup>th</sup> anniversary to address the advertising industry in our fireside chat.



NAD's Kat Dunnigan with CRN's Steve Mister at the 2016 NAD Annual Conference



2006 launch ad

**"I think this campaign is wonderful –it empowers supplement companies who are, as the campaign puts it 'tired of having the supplement industry referred to as the Wild West.'"**

—J. Thomas Rosch, Commissioner, FTC



2016 10-year anniversary refresh ad

**"The CRN/NAD initiative shows just how impactful meaningful self-regulation can be... [T]he program has been a valuable complement to the FTC's own enforcement efforts to eliminate fraud in this industry."**

—Edith Ramirez, Chairwoman, FTC