

When to Choose Between a Lawsuit or Filing a Challenge With the NAD

A competitor has engaged in high-profile false advertising, and your CEO [wants to use an enforcement hammer](#) with more weight than a cease-and-desist letter. Or maybe you sent a letter but didn't get sufficient movement from the other side. Should you pursue a court action or file a challenge with the National Advertising Division (NAD)? Let's talk strategy.

For those unfamiliar with it, the NAD is a [voluntary self-regulatory](#) forum for the resolution of false advertising disputes. Created in 1971 and located in New York, the NAD provides a streamlined forum for competitors to challenge advertising claims. Disputes are heard by staff attorneys who are well-versed at reviewing advertising claims and supporting evidence. The NAD's jurisdiction is limited to "national advertising," but this is defined broadly to include advertising disseminated "to a substantial portion of the United States."

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