



The NAD recently recommended that Perdue Farms, Inc. modify or discontinue certain TV and YouTube ads about Perdue's "Harvestland Organic" chicken.

Tyson Foods, Inc. challenged the Perdue ads before the NAD, arguing that they broadly communicated that all of Perdue's chickens are "happy" and raised "organically" (free-range, non-GMO, 100% vegetarian-fed, and raised without antibiotics). Perdue responded that ads only communicated claims about Perdue's "Harvestland Organic" sub-brand. The NAD, however, viewed the overall "net impression" conveyed by the ads and found that they communicated broad claims about all of Perdue's chickens, in part because the ads contained many visual and audio references to the primary Perdue brand, but only fleeting visual references to the Harvestland Organic logo. Perdue announced that it will appeal the NAD's decision. **Key takeaways for brands:**

- Carefully review your advertising to evaluate what express and implied (direct and indirect) claims might be conveyed, and ensure the claims are true, not misleading, and supported by credible evidence. Remember that courts and regulators consider the overall "net impression" of advertising when they evaluate claims.
- When advertising claims about a premium product, evaluate whether consumers might view the claims as applying only to the premium product or, alternatively, the broader line of products. If applicable, tailor the advertising for accuracy.
- A significant minority of confused or misled consumers can be enough to support a false or misleading advertising challenge. For example, survey evidence in this NAD case showed that 18.5% of surveyed consumers were confused about the breadth of the advertising claims.

See NAD's [press release](#) for more information about this case.

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