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National Advertising Division Recommends that Maker of Flashlights Discontinue Comparative Advertising and Made in USA Claims



Takeaways:

1. Support any comparative claims and clearly disclose the basis of the comparison.
2. Be specific about claims regarding products or components made in the United States.

Last month, the National Advertising Division (NAD), a self-regulatory body, recommended that Telebrands, Corp., discontinue certain advertising claims for the company's Atomic Beam flashlight, including claims comparing its brightness and durability, associating it with the U.S. military, and identifying its components as

made in the United States. NAD recommended, among other things, that Telebrands discontinue its claims that the Atomic Beam is "40 times brighter" and more durable than ordinary flashlights and provides features (such as strobe or zoom) that ordinary flashlights do not provide because the company did not submit evidence showing a superior brightness over such "ordinary" or "regular" flashlights or that the "tactical" features of its flashlights were not available on other flashlights. In response to the challenge from Energizer Brands LLC alleging that the advertising also created the false impression that the Atomic Beam was endorsed by or associated with the U.S. military, Telebrands changed the name of the product to "Atomic Beam" from "Atomic Beam USA" and removed a statement in a commercial that the Atomic Beam uses "U.S. Special Forces Tactical Technology" while displayed with an action shot of military commandos. NAD also recommended that the company discontinue its claim that the "critical components" in the flashlights are "made right here in the USA" but confirmed that the company could make truthful and qualified claims that specific parts are made in the United States. See NAD's [press release](#) for more information about these and other claims about the Atomic Beam flashlight.

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