

## CLEARANCE OF COMPARATIVE ADVERTISING

Before any comparative advertising is used in any advertising of a company, it should be cleared by the company's legal counsel.

### WHAT IS COMPARATIVE ADVERTISING?

Comparative advertising is advertising that compares a company's products or services, and the products or services of one or more identifiable organization(s) or of the marketplace as a whole. Examples include product or service characteristics, value, performance, consumer preference, market share, sales origin or availability.

### CHECKLIST

- Must be a fair and factual comparison of similar properties, features, ingredients, benefits or performance between one product or service and one or more other products or services.
- The FTC rule must be followed. All claims must have a scientifically proven basis before the claim has been made. That often means scientific testing.
- An advertisement must not create an unsupportable negative general impression of the compared-to product or service beyond the factual comparison being made.
- All comparative advertising should be cleared by your legal counsel.
- All take-down requests must be brought to your legal counsel.