

The National Advertising Division (NAD) of BBB National Programs provides independent self-regulation and dispute resolution services, guiding the truthfulness of advertising across the U.S. NAD reviews national advertising in all media and its decisions set consistent standards for advertising truth and accuracy, delivering meaningful protection to consumers and leveling the playing field for business.

NAD cases can be initiated through NAD's independent monitoring of advertising claims or through "challenges" to advertising claims filed by competitors, consumers, or public interest groups. This digest includes excerpts from key telecommunications cases. Each case involves consideration of the claims made in the advertising and labeling and the supporting evidence provided by the advertiser.

Compliance with NAD decisions is voluntary. Nevertheless, NAD enjoys a high rate of compliance. Advertisers that either refuse to participate in the self-regulatory process or do not implement the NAD recommendations are referred to appropriate government agencies such as the Federal Trade Commission (FTC).

Disclosure of Material Connections in Testimonials and Endorsements (including Influencer Marketing)

1Up Sports Marketing

Influencer Disclosures with Brittany Mahomes & Lana Del Rey

Case #7364 (April 2025)

NAD inquired into the nature of the relationship between Skims Body, Inc. and its paid influencers, as well as the steps Skims has taken to ensure that its influencers adequately disclose their material connections with Skims in social media posts pursuant to the Federal Trade Commission's Guides Concerning the Use of Endorsements and Testimonials in Advertising.

As part of the inquiry, NAD also examined the relationship between Skims and influencer Brittany Mahomes and what measures 1Up Sports Marketing takes to ensure that its influencers, including Ms. Mahomes, provide clear and conspicuous material connection disclosures. During the inquiry, Ms. Mahomes voluntarily modified the challenged posts to include material connection disclosures.

[Read the press release](#)

Skims Body

Influencer Disclosures with Brittany Mahomes & Lana Del Rey

Case #7365 (March 2025)

NAD inquired into the nature of the relationship between Skims and its paid influencers, Brittany Mahomes and Lana Del Rey, as well as the steps Skims has taken to ensure that its influencers adequately disclose their material connections with Skims in social media posts, pursuant to the Federal Trade Commission's Guides Concerning the Use of Endorsements and Testimonials in Advertising.

NAD recommended that Del Rey discontinue or modify her posts to include a clear and conspicuous material connection disclosure. Although the posts by Mahomes did not mention Skims in the caption, the brand was tagged in the images, making them endorsements under the

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FTC Endorsement Guides. NAD recommended that Skims take reasonable steps to have Mahomes discontinue or modify the challenged posts to include an appropriate disclosure.

[Read the press release](#)

Bubble Beauty, Inc.**Bubble Cleansers, Moisturizers, SPF Products, and Serums**

Case #7341 (March 2025)

In a joint inquiry, NAD and the Children's Advertising Review Unit (CARU) inquired into whether certain express and implied claims made by Bubble for its cleansers, moisturizers, SPF products, and serums were supported and complied with CARU's Self-Regulatory Guidelines for Children's Advertising. NAD's inquiry focused on Bubble's social media advertising that conveyed the message that Bubble cleansers, moisturizers, and SPF products have been tested on, and are safe and effective for, young girls. Bubble provided a variety of independent reports and third-party testing and research, which NAD found supported the express claims that the challenged products are safe for users under 13 but was not a good fit for the challenged efficacy claims and recommended they be discontinued.

CARU examined whether the packaging of the limited-edition product bundles, featuring characters from the Disney Pixar film Inside Out 2, complies with CARU's Guidelines. At issue was whether the claims made on the packaging could mislead children under age 13 into believing that the product bundles are both safe and effective for them and whether the claims misrepresented that the products in the bundles could perform in a manner that they cannot. Relying on NAD's findings regarding the safety and efficacy of the products, CARU found the safety claims supported, but recommended that the express efficacy claims be discontinued.

[Read the press release](#)

Kevin Hart, JPMorgan Chase Bank, N.A., Fabletics, Inc.**Material Connection Influencer Disclosures**

Case #7371, #7372, #7373 (February 2025)

In three related inquiries, NAD inquired about the relationship between celebrity influencer Kevin Hart, Fabletics, and JPMC. Specifically, NAD examined whether Hart's social media posts adequately disclosed his financial relationship and material connection with Fabletics and JPMC.

Fabletics informed NAD that the Instagram posts have been updated to clearly disclose Hart's material connection with Fabletics and that it will require Hart to include appropriate disclosures in all future posts. JPMC informed NAD that Hart would use a clear disclosure and would move the material connection disclosure to appear above the fold so that consumers would not have to click "more" to see the disclosure.

Hart informed NAD that he and his social media team are committed to ensuring that his social media posts include clear and conspicuous material connection disclosures.

[Read the press release](#)

NuOrganic Cosmetics

NuOrganic Eyelash Serum

Case #7329 (January 2025)

NAD reviewed claims for NuOrganic eyelash serum made by a teen influencer on TikTok and Instagram. NAD recommended NuOrganic take steps to ensure that influencers, including TikTok affiliates who receive payments or free products, disclose their material connection to NuOrganic. NAD also determined that the evidence in the record did not support NuOrganic's claims that the eyelash products are an alternative to eyelash extensions and recommended that the videos in the posts be discontinued.

[Read the press release](#)

Revolve Group, Inc.

Influencer Material Disclosures

Case #7368 (January 2025)

NAD opened an inquiry to review the relationship between Revolve (a clothing brand) and two influencers who tagged Revolve but did not disclose any material connection between themselves and Revolve. NAD recommended that Revolve take steps to ensure that its influencers' posts make clear the influencers' material connection to the brand.

[Read the press release](#)

Drunk Elephant LLC

B-Goldi Bright Drops Skincare

Case #7328 (November 2024)

NAD reviewed advertising for Drunk Elephant, a skincare brand, including claims that its products are safe for tweens and teens, as well as its material connection to influencers promoting its products. NAD determined that Drunk Elephant had a reasonable basis for the claim that 18 of its products are "safe for kids and tweens to use," based upon evidence showing the products met guidelines set forth in the European Commission Scientific Committee on Consumer Safety's Cosmetic Safety Standard and that the standard applies to product safety for children and teens.

NAD concluded, however, that certain TikTok videos demonstrating and reviewing Drunk Elephant's B-Goldi Bright Drops did not clearly and conspicuously disclose the material connection between Drunk Elephant and the influencers. The disclosure was visible only if the viewer clicked on the hyperlink "more" and, additionally, the words in the disclosure ran together, making it possible that consumers might not understand the disclosure. Finally, NAD recommended that unpaid influencers who receive free product disclose their material connection to the brand.

[Read the press release](#)

Fenty Skin LLC

Melt AWF Jelly Oil Makeup-Melting Cleanser

Case #7224 (April 2024)

NAD challenged express and implied claims, including influencer product demonstrations, made by Fenty about its Melt AWF Jelly Oil Makeup-Melting Cleanser's ability to remove makeup, dirt, and impurities that appeared on Instagram. NAD concluded that Fenty had reliable support for its product performance claims based on independent clinical testing of the product along with a consumer use survey. NAD recommended that Fenty modify influencer posts that did not clearly and conspicuously disclose a material connection to Fenty in a video demonstration and recommended it include its material connection disclosure in the video itself.

[Read the press release](#)

Ginger Health Company (Wonderbelly)

Wonderbelly Antacids

Case #7283 (March 2024)

Haleon, plc challenged express and implied claims made by Ginger Health Company in advertising for its Wonderbelly Antacids through endorsements on social media and on its website. NAD recommended that paid influencers endorsing Wonderbelly Antacids disclose their material connection to the brand and recommended that, when reposting influencer content, Ginger Health clearly and conspicuously disclose that the influencers have a material connection to the product.

NAD found that certain challenged claims including "happy bellies" and "no more bad belly" did not convey the implied messages that Wonderbelly Antacids provide relief to the stomach beyond the heartburn relief the product provides.

[Read the press release](#)