In response to a challenge by animal rights organization Animal Outlook, the NAD has determined that Butterball, LLC should discontinue several ad claims and slogans for its “all-natural” turkeys.

The National Advertising Division (“NAD”), a part of the Better Business Bureau (“BBB”) National Programs, offers non-binding dispute resolution services to members about advertising claims. In this case, Animal Outlook took issue with numerous claims about the manner in which Butterball turkeys were raised, including that they were humanely treated, an industry leader, and “healthy and natural.” The NAD finely parsed Butterball’s claims, permitting the “all-natural” claims, while recommending that others be discontinued.

Critical to the NAD’s decision to permit Butterball’s “all-natural” claims was the fact
that the company offered a clear and conspicuous disclosure that “*all-natural means minimally processed and no artificial ingredients.” NAD noted that this disclosure identifies for consumers that the term “all-natural” refers to what is in the product and the amount of processing involved and does not convey a broader message about the way the turkeys were raised or produced.

Butterball also made numerous claims about the “humane” manner in which it raises its turkeys. In large part, the NAD approved of these claims that were placed in close proximity to Butterball’s disclosure of its Animal Humane Association (“AHA”) certification. In contrast, the NAD recommended that Butterball discontinue or relocate certain humane claims that were made untethered to its AHA certification. The lesson here is similar to the “natural” claims: when advertisers make statements about qualities of their product, they should define those qualities; otherwise, they can be subject to different understandings and attacks.

Finally, Animal Outlook challenged numerous “superlative” claims by Butterball: statements about “leading the turkey industry” and providing “the best possible care for Butterball’s turkeys.” When definite statements like these are made, the advertiser needs to substantiate, or “back up,” those claims. In other words, Butterball needed to show that it actually did lead the turkey industry and provide the best possible care for its turkeys, and in the NAD’s view, they failed to do so. Retailers should be mindful, then, that when they make claims about it or its products—even when those claims might be somewhat general—they need to have something to back up that statement.

The lesson of this and many other decisions by the NAD is straightforward: when retailers advertise, claims should be clear, truthful, and substantiated. Anything else leaves retailers open to challenge.

Copyright © 2021, Hunton Andrews Kurth LLP. All Rights Reserved.

National Law Review, Volume XI, Number 225

Source URL: https://www.natlawreview.com/article/nad-clarifies-stance-all-natural-claims