Facebook to More Quickly Remove Misleading Ads through New Partnership with the NAD

By Tiffany Ferris, Joseph Lawlor | December 4, 2020

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This week, Facebook and the BBB National Programs' National Advertising Division ("NAD") announced a partnership aimed at improving the effectiveness of the NAD's self-regulatory advertising program. NAD seeks to enhance truth in advertising through a combination of independent monitoring and competitor disputes. As part of the new partnership, NAD will now advise Facebook directly when it finds that advertisements on the social media platform are false or misleading. This move allows Facebook to more quickly take action on advertisements that violate its truth-in-advertising rules. Facebook's Advertising Policies prohibit misleading, exaggerated, or false claims.

While the implementation of the program remains to be seen, it should now be more difficult for advertisers using Facebook to continue making false or misleading claims after NAD has recommended that they be discontinued. Advertisers who agree to comply with an NAD recommendation to discontinue false advertising should therefore consider moving swiftly to modify their social media advertisements, before Facebook takes action to remove them. Acting quickly will allow an advertiser to replace its discontinued advertisements without leaving a gap in its messaging strategy.

For brands considering a challenge to competitor advertising before the NAD, the new Facebook partnership may offer yet another benefit to the proceedings. A successful challenge may mean a fast removal of the offending ads from Facebook. This benefit is in addition to the recently instituted NAD SWIFT Program, which promises a decision in around 20 days for simple single-issued advertising challenges. With these programs working in lockstep, a successful SWIFT challenge could result in removal of false or misleading advertisements from Facebook in short order. These new programs are particularly welcome as brands demand increased responsiveness to truth-in-advertising concerns in fast-moving digital marketing campaigns.

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