comparative advertisements now account for approximately 25 to 50% of all advertisements, figures that reflect a quadrupling from 1990 to 1995 (Petty 1991; Felix 1995; Donthu 1998).

In spite of their popularity, practitioners and regulators associate comparative advertisements with consumer confusion and significant legal problems (Muehling, Stem and Raven 1989). Comparative ads are legally challenged more often than non-comparative ads, leading some to suggest that the FTC's endorsement of comparative advertising contributed to the rise in competitive lawsuits (Donthu 1998; Goldman 1993). Since 1980, for instance, sixty-five percent of private lawsuits under the Lanham Act have involved comparative claims. In seventy percent of such cases defendants were found liable, with award damages reaching up to $40 million in once case (Petty 1991; Buchman and Goldman 1989).¹ A survey of policy makers and advertisers suggests that challenges to comparative ads are generally the result of unsatisfactory claim substantiation, particularly in product categories where there is little or no basis to claim objective differences between brands (Muehling et al. 1989). In such instances, advertising is the sole discriminating variable between brands and few, if any, specific attributes are mentioned (Shimp and Preston 1981; Preston 1994; Shimp 1983; Preston 1986).