Advertising Substantiation (hereafter Substantiation Policy 1983)\textsuperscript{13} provides guidelines for assessing this element in deception cases at the FTC. In addition, the FTC has set specific guidelines to regulate advertisements that make claim to scientific testing.\textsuperscript{14}

**Summary**

The general mandate of the FTC is to ensure a healthy competitive environment and to prevent harm to consumers from commercial activities. Given their limited resources, the FTC exercises caution in selecting “exemplar” cases that will send a message to the industry about unacceptable advertising practices. Thus, compared to the courts and the NAD, the Commission has fewer opportunities to promptly address problematic advertising issues. Once the FTC becomes involved, however, most advertisers opt to settle complaints rather than go to trial (Preston 1990). Similarly, only a fraction of the cases filed under Section 43(a) of the Lanham Act make it to trial. However, given the scope of Section 43(a), the number of cases filed is significantly larger than that of cases seen by the FTC or handled under NAD guidelines. As a result, the courts are the first to see new forms of deceptive claims.

For some time now there has been considerable activity at the NAD and the courts regarding implied superiority claims (Wyckham 1989). Recent challenges involve a variation of implied superiority claims called combined comparatives. Recognizing the potential harm to consumers, the NAD has called for a more serious examination of these


\textsuperscript{14}The guidelines were motivated by advertisements from the makers of analgesics, but they are applicable to proof claims involving other product categories (Scammon and Semenick 1983).