



The National Advertising Division (NAD) of the 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 reviewing 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 involved consideration of the claims made in the advertising 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).

AT&T Services, Inc.

AT&T Fiber
Case #5850 (June 2021)

NAD recommended that AT&T discontinue the implied claim that Comcast is unable to video chat, up to 4K resolution, on fiber.

NAD recommended that AT&T discontinue the comparison message that cable is slower than fiber to avoid conveying the impression that fiber is faster than cable. NAD also recommended that AT&T discontinue the claim that fiber provides a "faster internet experience" to avoid conveying the impression that fiber is faster than cable in all circumstances, depicted in the challenged advertisement.

The advertiser agreed to NAD's decision to the National Advertising Review Board (NARB). The appeal is pending.



AT&T discontinue the implied claim that Comcast is unable to video chat, up to 4K resolution, on fiber.

AT&T discontinue the comparison message that cable is slower than fiber to avoid conveying the impression that fiber is faster than cable. NAD also recommended that AT&T discontinue the claim that fiber provides a "faster internet experience" to avoid conveying the impression that fiber is faster than cable in all circumstances, depicted in the challenged advertisement.

Charter Communications, Inc.

Spectrum Internet Speed
Case #5848 (May 2021)

NAD recommended that Charter discontinue the implied claim in the "Welcome Back, Party" commercial that (i) AT&T Internet is too slow for certain activities, including streaming, and (ii) AT&T does not offer speeds that exceed 200 Mbps. The North Measuring Broadband America Fixed Broadband Report, Federal Communications Commission (2020). NAD was not persuaded that AT&T's lack of participation in the collection of data for the Twelfth FCC Broadband Report should compel any inference relating to its internet speeds. In reaching this conclusion that a speed superiority claim could not be supported, NAD did not further conclude that the data collected on internet speeds experienced by customers of any particular ISP, including Spectrum, was

Telecommunications Digest

Mike Jess



Telecommunications Digest:

Telecommunications Directory ,2007 **West's Federal Practice Digest** ,1999 *West's Florida Digest 2d* ,1984
West's New York Digest ,2001 West's Federal Practice Digest 4th ,1999 Locate federal cases decided in the U S Supreme Court Court of Appeals district courts Claims Court bankruptcy courts Court of Military Appeals the Courts of Military Review and other federal courts This Key Number Digest contains all headnotes classified according to West s Key Number System for federal court decisions reported from 1984 to the present The topics are listed in alphabetical order The Key Numbers within those topics are listed in numerical order Each topic begins with scope notes about subjects included and subjects excluded and covered by other topics Also there is an outline of the topic which includes a list of all Key Numbers in that topic Headnotes are collected by jurisdiction or court and filed according to the West Key Number System
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