

InsideCounsel: Travis McCallon on Product Testing and Puffery in False Advertising

December 20, 2012

A new false advertising action filed by jewelry retailer Sterling Jewelers Inc. in the Northern District of Ohio (*Sterling Jewelers Inc. v. Zale Corp.*) presents a unique question about the line between puffery and misleading advertising claims, specifically claims based on product testing. The defendant in the case, Zale Corporation (Zales), also a jewelry retailer, recently began promoting its line of "Celebration Fire" diamonds as "The Most Brilliant Diamond in the World." Some of its advertisements explain that the claim is "based on independent laboratory testing conducted in 2012 of round-cut diamonds from select leading national jewelry store chains." [Read more ...](#)