

## **Summary of NAD/CARU/NARB Rules Changes September 4, 2007**

### **Rule 2.1(E)**

#### *Confidentiality of NAD/CARU/NARB Proceedings*

(i) NAD/CARU/NARB proceedings are confidential except for (a) publication of final case decisions and summaries of other actions, as provided by these Procedures; (b) NAD/CARU/NARB press releases announcing final case decisions and summaries; (c) referrals by NAD/CARU/NARB to government agencies as provided by these Procedures; and (d) actions taken by NAD/CARU under Section 2.1(F)(2) of these Procedures.

(ii) Published NAD/CARU/NARB decisions are the only permanent records required to be kept as to the basis of an inquiry, the issues defined, the facts and data presented, and the conclusions reached by NAD/CARU/NARB.

(iii) By participating in a NAD/CARU/ NARB proceeding, parties agree:

(a) To keep the proceedings confidential throughout the review process;

(b) Not to subpoena any witnesses or documents regarding the review proceeding from NAD, CARU, NARB, NARC or the Council of Better Business Bureaus in any future court or other proceeding (except for the purposes of authentication of a final, published case decision); and

(c) To pay attorneys fees and costs if a subpoena is attempted in violation of Section (b) above.

### **Rule 2.1(F)**

#### *Parties' Agreement/Referrals to Law Enforcement Agencies*

(i) It is the policy of the NAD, CARU, NARB, NARC and the Council of Better Business Bureaus not to endorse any company, product, or service. Any decision finding that advertising has been substantiated should not be construed as an endorsement. Correspondingly, an advertiser's voluntary modification of advertising, in cooperation with NAD/CARU/ NARB self-regulatory efforts, is not to be construed as an admission of any impropriety.

(ii) By participating in a NAD/CARU/NARB proceeding, parties agree (a) not to issue a press release regarding any decisions issued, and/or (b) not to mischaracterize any decision issued or use and/or disseminate such decision for advertising and/or promotional purposes. NAD/CARU/ NARB may take whatever action it deems appropriate if a party violates this provision, including the issuance of a public statement for clarification purposes.

(iii) When NAD/CARU commences a review pursuant to Section 2.2 of these Procedures, and the advertiser elects not to participate in the self-regulatory process, NAD/CARU shall prepare a review of the facts with relevant exhibits and forward them to the appropriate federal or state law enforcement agency. Reports of such referrals shall be included in the Case Reports.

### **Rule 2.9(D)**

Added "Advertising Substantiated/Modified or Discontinued" to decision heading list used when decisions are published in the NAD/CARU Case Reports.

### **Rule 3.1**

The filing fee for an appeal has been increased from \$1000 to \$1500 for member of the CBBB, and from \$2000 to \$2500 for Non-Members.

**Rule 3.9** has been deleted because was already covered in Rule 2.1(E)