

**Editors:**

Jeffrey D. Knowles
jdknowles@Venable.com
 202.344.4860

Gary D. Hailey
gshailey@Venable.com
 202.344.4997

In This Issue:

Jeffrey D. Knowles
jdknowles@Venable.com
 202.344.4860

Gary D. Hailey
gshailey@Venable.com
 202.344.4997

Gregory J. Sater
gjsater@Venable.com
 310.229.0377

Jonathan L. Pompan
jpompan@Venable.com
 202.344.4383

Kristalyn J. Loson
kjloson@Venable.com
 202.344.4522

Christopher S. Crook
cscrook@Venable.com
 202.344.4752

Honors and Awards

2011 *Chambers USA*
 Award for Excellence
 Winner



Top-Tier Firm *Legal 500*

**News****Ad Groups Tracking High-Profile Regulatory Initiatives on Capitol Hill**

Alexandra Bruell wrote in *Ad Age* that the advertising industry's trade groups are lining up to oppose a number of regulatory and legislative initiatives that could be detrimental to advertisers and marketers.

Regulation of online behavioral advertising, food and beverage advertising to children and tobacco advertising top the list of issues generating concern in the industry. Another issue, although lower profile, is the possibility that the tax deductibility of advertising for certain products could be affected as Congress looks for strategies to reduce the federal debt.

[Go here](#) to read the *Ad Age* story.

FTC Settlement Chills Frostwire's Use of Default Settings

Frostwire LLC, a peer-to-peer file-sharing application developer, agreed on Tuesday to settle FTC charges that its software could cause consumers to unwittingly expose sensitive personal files stored on their personal computers and/or mobile devices. Under the settlement, Frostwire cannot use default settings that share consumers' files without the consumer affirmatively selecting which files to share. Consequently, Frostwire has made available free software upgrades that correct the default settings which the FTC viewed as a problem.

As websites and mobile applications become more "social," marketers may want to consider the implications of the Frostwire settlement when assigning default settings for privacy permissions.

[Go here](#) to read the FTC's press release and complaint in the Frostwire case.

Vladeck Testifies Before House Subcommittees on Child Food Marketing Guidelines

Yesterday, during testimony before two subcommittees of the House Energy and Commerce Committee, David Vladeck, director of the Federal Trade Commission's Consumer Protection Bureau, announced that the voluntary guidelines regulating the marketing of food and beverages to children would be less restrictive than those originally proposed. The guidelines were drafted by a working group composed of representatives from the FTC, FDA, USDA and Center for Disease Control and Prevention. According to Vladeck, the agencies will recommend that, with the exception of some school-based advertising, the guidelines should apply only to children younger than 12 years old.

The working group originally recommended guidelines that would discourage companies from using food packages, event sponsorships and television, print and Internet ads to market food and beverage products to children and teenagers.

A number of large food and beverage companies opposed the original version of guidelines, saying they were too expansive, too unwieldy and would undermine industry self-regulatory programs. At the hearing, several lawmakers and a food industry representative advocated for the working group to withdraw its proposed guidelines rather than revise them.

[Go here](#) to read coverage of the hearing by *Reuters*.

[Go here](#) to read the FTC press release and Vladeck's prepared testimony.

Venable Adds Gregory J. Sater to LA Office

Venable announced this week that [Gregory J. Sater](#), one the nation's leading advertising attorneys, has joined the firm's Los Angeles office as a partner.

Sater represents direct response television advertisers, online marketers and other direct-to-consumer marketers and retailers in connection with intellectual property issues, false or deceptive advertising

Top-ranked in *U.S. News and World Report*



For more information about Venable's award-winning Advertising and Marketing practice, please visit our website at www.Venable.com/Advertising-and-Marketing.

concerns, compliance with state and federal advertising regulations, and business contracts.

"For more than a decade, Greg has been a colleague, collaborator and friend," said [Jeffrey D. Knowles](#), head of Venable's Advertising and Marketing Practice Group. "Now I am proud to call him my partner. Greg's creative and talented practice of law will enhance the formidable depth and breadth of Venable's Advertising practice. In addition, Greg's current clients will now benefit from the depth of Venable's resources."

Venable's Advertising and Marketing practice is internationally recognized and respected. Among its many honors, the group recently received the [Chambers USA 2011 Award for Excellence in Advertising Law](#) for the second consecutive year; an achievement no other law firm has accomplished.

[Go here](#) to read Venable's press release announcing Sater's arrival.

Analysis

Successful Cause Marketing Requires More Than Good Intentions

Today, many marketers look to affiliate with charities in cause-related marketing efforts that can help boost sales and corporate image while generating revenue for the nonprofit partner. As the popularity of cause-related marketing has increased, so has regulation and scrutiny of the campaigns.

In the October 2011 issue of *Electronic Retailer* magazine, Venable's [Jeffrey D. Knowles](#), [Jonathan L. Pompan](#) and [Kristalyn J. Loson](#) outline a few of the key issues marketers should consider when partnering with nonprofit groups to market products.

[Go here](#) to read their column on page 40 of this month's issue of *Electronic Retailer*.

Upcoming Events

ACC Annual Meeting - Denver

October 23-26, 2011

[Emilio W. Cividanés](#), [Stuart P. Ingis](#), [James E. Nelson](#), and [Jeffrey S. Tenenbaum](#) will present sessions at the meeting.

ACI Social Media - New York City

October 26-27, 2011

[Roger A. Colaizzi](#) will be speaking at this event.

"Getting Your Fair Share: How To Prevent Royalty Underpayments Venable Video Webinar"

October 26, 2011

[Joshua J. Kaufman](#) will co-present the panel discussion.

ETA Compliance Day - Chicago

October 27, 2011

[Jeffrey D. Knowles](#) will be speaking at this event.

Council for Resource Development Annual Conference - Washington, DC

November 11, 2011

[Melissa Landau Steinman](#) will be speaking about social media risk management.

33rd Annual PMA Marketing Law Conference - Chicago

November 15-16, 2011

[Thomas A. Cohn](#), [Claudia A. Lewis](#), [Roger A. Colaizzi](#) and [Melissa Landau Steinman](#) will present sessions at the conference.

[Go here](#) to subscribe to Venable's Advertising and Marketing RSS feed and receive the Venable team's insight and analysis as soon as it is posted.

If you have friends or colleagues who would find this newsletter useful, please invite them to subscribe at www.Venable.com/subscriptioncenter.

CALIFORNIA MARYLAND NEW YORK VIRGINIA WASHINGTON, DC

