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Honors and Awards

2011 *Chambers USA*
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News**17 State AGs Ask FCC to Block Third-Party Charges to Phone Bills**

On Monday, attorneys general from 17 states filed comments with the Federal Communications Commission asking the regulator to ban all billing of third-party, non-telecommunications-related services to consumers' phone bills.

The comments were filed in response to the Notice of Proposed Rulemaking released by the FCC this summer seeking comment on proposals designed to help consumers detect and prevent the placement of unauthorized charges on their telephone bills, a practice known as "cramming."

The state AGs' comments maintain that the states have previously tried many of the other measures proposed by the FCC and found them to be largely ineffective. Because of the difficulty stopping cramming and making consumers whole after being victimized, the AGs advocate banning all third-party charges to telephone bills except those directly related to telecommunications services, such as operator assistance and collect calls. Should the FCC not want to adopt a total ban, the AGs ask for measures that ban the addition of third-party charges to consumers' phone bills unless consumers specifically request that the billing option be made available on their account(s).

Lastly, the AGs asked the FCC to expand the scope of anti-cramming measures to include consumers' wireless telephone accounts as well as accounts for landline telephones, which are the focus of the FCC's proposed rulemaking.

The FCC's comment period closed on October 24. However, interested parties may file reply comments with the Commission until November 21.

[Go here](#) to read the comments filed by the Attorneys General.

[Go here](#) to read the FCC's proposed anti-cramming measures.

CA AG Files Plastic Bottle "Greenwashing" Suit

On Wednesday, California Attorney General Kamala D. Harris filed a lawsuit alleging that ENSO Plastics LLC, Balance and AquaMantra made false and misleading claims about the biodegradability and recyclability of plastic bottles manufactured by ENSO. Harris alleges that the companies engaged in "greenwashing," or misleading consumers about environmental claims.

ENSO claims that it created the "first truly biodegradable and recyclable" plastic bottle through the use of a microbial additive and that its bottles are "100 percent biodegradable and recyclable."

The AG's complaint contends that information on the bottles' labeling stating that the bottles will break down in less than five years in a landfill or compost environment is false because the additive does not speed up the break-down of the plastic. It also takes issue with the bottles being labeled as "recyclable" because, the complaint alleges, the microbial additive can actually impede the plastic recycling process. In addition to the false and misleading allegations, the press release points out that a 2008 California state law makes it illegal to label a plastic food or beverage container as "biodegradable," "degradable" or "decomposable."

[Go here](#) to read the press release from the Attorney General's office.

[Go here](#) to read the complaint.

Plaintiffs Urge Approval of Final Settlement in Visa Call Recording Class Action

Plaintiffs in a class action against Visa Inc. asked the court to give final approval to an \$18 million settlement resolving charges that the credit card giant unlawfully recorded customer service calls without providing notice or obtaining consent of the callers. The lawsuit alleged that Visa's call recording practices violated certain laws of California, Florida, Maryland, Nevada, New Hampshire and Washington.

According to the plaintiffs' motion for final approval, more than 14,100 class members have submitted claims under the proposed settlement since it received the court's preliminarily approval in late July.

Additional information regarding the settlement and the plaintiffs' allegations can be found [here](#).

Upcoming Events

Council for Resource Development Annual Conference - Washington, DC

November 11, 2011

Melissa Landau Steinman will be speaking about social media risk management.

"Tracking and Targeting Customers and Prospects Online and in Social Media 2011" for the Practising Law Institute - San Francisco

November 15, 2011

Stuart P. Ingis will be presenting a session on Self-Regulation.

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.

"Avoiding Internet Advertising and Recruitment Pitfalls" webinar for APSCU

November 17, 2011

Jonathan L. Pompan and **Alexandra Megaris** will be speaking on the Misrepresentation Rule issued by the Department of Education, with a focus on the implications for Internet advertising and recruitment and the new guidance issued by APSCU.

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