

**Editors:**

Jeffrey D. Knowles
jdknowles@Venable.com
 202.344.4860

Roger A. Colaizzi
racolaizzi@Venable.com
 202.344.8051

Gary D. Hailey
gshailey@Venable.com
 202.344.4997

In This Issue:

Jeffrey D. Knowles
jdknowles@Venable.com
 202.344.4860

Ashley W. Craig
awcraig@Venable.com
 202.344.4351

Stuart P. Ingis
singis@Venable.com
 202.344.4613

Joshua J. Kaufman
jjkaufman@Venable.com
 202.344.8538

Honors and Awards

2011 *Chambers USA*
 Award for Excellence
 Winner



Law Firm of the Year,
 National
 Advertising, *U.S. News*
 and *World Report*, 2011



Top -Tier Firm, *Legal*
 500

NOTE: Venable's Advertising Law News and Analysis will not be published next week because of the Thanksgiving Holiday. The newsletter will resume publication with the December 1 issue.

News**State AGs Urge FTC to Craft Tougher Four Loko Requirements**

On Wednesday, the attorneys general of 36 U.S. states and territories sent a letter to the Federal Trade Commission urging it to strengthen requirements in the consent decree the Commission proposed with Phusion Products, the marketer of Four Loko, a fruit-flavored malt beverage that attracted national attention last year. The FTC announced the consent decree early last month, and is currently accepting public comments on the agreement.

In the letter, the AGs voice their concern about "single serving" marketing of "supersized," malt beverages with a high alcohol content, especially those with "disarmingly sweet, fruit flavors and eye-catching brightly colored cans." The AGs contend that products such as these encourage binge drinking, and ask the FTC to toughen the order, which would still allow Phusion to market products containing up to 2.5 servings of alcohol, or 1.5 ounces of ethanol, as "single serving" containers.

The AGs ask the FTC to apply the terms of the consent decree to any packaging that contains more than two servings of alcohol, instead of the proposed greater than 2.5 serving threshold. They also ask that the FTC define the term "resealable" and create more stringent restrictions on depictions, in advertising, of consumption of the product directly from the container.

[Go here](#) to view the letter to the FTC from the attorneys general.

White House Urges Industry to Take Lead on Online Privacy

On Monday, a senior advisor to President Obama told the U.S. Chamber of Commerce that the traditional regulatory process is not fast enough for the pace of innovation on the Internet and that industry should play a role in an "alternative regulatory model" that is "flexible" and "pro-innovation."

"The traditional rule-making process lacks flexibility and agility in the Internet environment," Daniel Weitzner, the U.S. Deputy Chief Technology Officer, said during the speech. "We are much more interested in depending on responsible companies to take a consumer privacy bill of rights and implement them through in voluntarily developing enforceable standards of conduct."

Weitzner also told the audience that the Obama Administrators would work to convince European regulators to adopt an approach that blends self-regulation with traditional approaches to enforcement.

[Go here](#) to view the *Washington Post's* coverage of the story.

Analysis**California Transparency in Supply Chains Act's Effective Date Looming**

On January 1, 2012, the disclosure requirements of the California Transparency in Supply Chains Act of 2010 take effect. These requirements, which are designed to combat forced labor, child labor and human trafficking, apply to all retail sellers or manufacturers doing business in the state of California with USD 100 million or more in annual worldwide gross revenues. In a client alert published this week, Venable attorneys explain how companies should prepare to comply with the Act and the similar federal legislation, H.R. 2759, introduced earlier this year by Congresswoman Carolyn Maloney (D-New York).

[Go here](#) to read Venable's Client Alert about the Act.

Royalties: Are you Getting your Fair Share?



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

According to one recent survey, 88 percent of all royalties are underpaid. Venable's Joshua Kaufman examines royalty payments and practical strategies to recover royalties in a recent edition of *Art World News*. Although there are a wide variety of reasons for underpayment, the largest single reason for underpayment was erroneous contract interpretation. Kaufman also provides practical strategies licensees can take to ensure that they receive their due.

[Go here](#) to read Kaufman's piece in *Art World News*.

Upcoming Events

Toy and Game Inventor Conference – Chicago

November 17-18, 2011

Michael Sartori will be speaking on "Protecting Your Idea: Trademarks, Copyrights & Patents."

ACI Advanced Summit on Defending Food & Beverage Consumer Fraud Litigation – Chicago

December 1, 2011

Claudia A. Lewis will be speaking on Minimizing the Ripple Effect of FDA and FTC Enforcement Actions.

Affiliate Summit West – Las Vegas

January 9, 2012

Thomas A. Cohn will be speaking about Affiliates Under Fire: Next Steps and Best Practices.

[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

1.888.VENABLE | www.Venable.com

© 2011 Venable LLP. This newsletter is published by the law firm Venable LLP. It is not intended to provide legal advice or opinion. Such advice may only be given when related to specific fact situations that Venable has accepted an engagement as counsel to address.

ATTORNEY ADVERTISING. Prior results do not guarantee a similar outcome.