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Honors and Awards

Top ranked in *Chambers USA*
 2012



Law Firm of the Year, National
 Advertising, *U.S. News and World*
Report, 2011-2012

Venable Attorneys Speaking at ERA D2C Convention

Venable is proud to sponsor the Electronic Retailing Association's D2C Convention in Las Vegas. Please join our Venable attorneys as they present educational sessions at ERA D2C.

Venable partner **Jeffrey D. Knowles** will present "Driving Change in Electronic Retailing: Enforcement, Self-Regulation and Legislation" on Tuesday, September 11 from 10:30 a.m. to 11:30 a.m. PDT. In addition, Venable partner **Gregory J. Sater** will moderate a panel entitled "Riding the Social Media Roller Coaster" on Tuesday, September 11 from 1:30 p.m. to 2:30 p.m. PDT.

To obtain a complimentary exhibit-hall pass that will allow you to attend the expo as a guest of Venable, please [click here](#) and register using the code **VBND3607**.

If you are attending ERA D2C and are interested in scheduling a conversation with a Venable attorney, please [click here](#) to send us an email.

News**Advocacy Groups Ask FTC to Investigate Six Brands' Kid Sites**

According to *Adweek*, the Center for Digital Democracy and 13 other advocacy groups focused on children's issues filed several complaints with the Federal Trade Commission (FTC) on August 22 asking the government regulator to investigate six child-targeted websites. The groups are concerned that marketers may have violated children's online privacy laws by asking young visitors participating in games and activities related to the site's brand to "tell a friend" or "refer a friend" to the site.

Sites mentioned in the complaints are McDonald's HappyMeal.com; General Mills' ReesesPuff.com and TrixWorld.com; Doctor's Associates' SubwayKids.com; Viacom's Nick.com; and Turner Broadcasting's CartoonNetwork.com.

The advocacy groups charge that the "tell a friend" campaigns circumvent the requirements in the FTC's Children's Online Privacy Protection Act (COPPA) rules that require operators of a website directed to children under 13 not to collect personal information from children without parental permission.

[Click here](#) to read *Adweek's* coverage of the complaints.

[Click here](#) to read the Center for Digital Democracy's press release and complaints to the FTC.

Mouthguard Marketer Settles Concussion Reduction Claims Case with FTC

On August 16, the FTC announced a settlement with Brain-Pad, Inc. which prohibits the company and its president, Joseph Manzo, from misrepresenting the health benefits of any mouthguard or other athletic equipment intended to protect against brain injuries.

According to the FTC's press release, Brain-Pad and Manzo made unsubstantiated claims about the company's mouthguards such as "creates new brain safety space," "reduces risk of concussions from lower jaw impacts" and "reduces risk of concussions" in internet and print advertisements. In addition, the company's advertisements claimed that the mouthguards' ability to reduce the risk of concussion was



Top-Tier Firm *Legal 500*



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“clinically proven.”

“Mouthguards can help to shield a person’s teeth from being injured, and some can reduce impact to the lower jaw,” said David Vladeck, Director of the FTC’s Bureau of Consumer Protection in the press release. “But it’s a big leap to say these devices can also reduce the risk of concussions. The scientific evidence to make that claim just isn’t adequate.”

The FTC cited the case as one of the Commission’s many recent investigations and settlements intended to combat overhyped health and fitness claims.

[Click here](#) to read the FTC’s press release and access a copy of the settlement agreement.

Analysis

Anti-Counterfeiting Best Practices for the Toy and Game Industry (and Others)

The manufacturer’s suggested retail price (MSRP) value of the counterfeit toys and electronic games seized by customs and border patrol agents in 2011 alone was \$27 million, write Venable attorneys [Justin E. Pierce](#) and [Meaghan Hemmings Kent](#) in a recent article published by the Toy Industry Association. And that number accounts only for what was seized.

Counterfeiting, Pierce and Kent say, is an unfortunate reality of having a commercially successful toy or game in today’s marketplace. In addition to eating into marketers’ profits, infringing on their rights and diluting their brand, counterfeiters also expose marketers to significant liability.

In the article, Pierce and Kent provide perspective on the counterfeiting problem and outline practical strategies that marketers of toys and games -- or any other consumer product for that matter -- can employ to help deter, identify and take action against counterfeiters attempting to compromise their brands.

[Click here](#) to read the article by Pierce and Kent.

Upcoming Events

[2012 Electronic Retailing Association D2C Convention - Las Vegas](#)

September 11-13, 2012

Venable is a proud sponsor of the ERA D2C Convention. The ERA is the only trade association in the U.S. and internationally that represents leaders of the direct-to-consumer marketplace, which includes members that maximize revenues through direct-to-consumer marketing on television, online, mobile and on radio.

Please visit the attorneys of our [Advertising and Marketing Group](#) at booth #915. Venable is also the sponsor of the Pre-Moxie Awards Gala Reception.

[Association of Corporate Counsel Annual Meeting - Orlando](#)

September 30-October 3, 2012

Venable is pleased to support and sponsor the 2012 ACC Annual Meeting. We hope that you will join us at the educational sessions, where several of our attorneys will share their insights and recommendations, and at our show floor booth, #307. Venable is also the 2012 sponsor of the ACC IT, Privacy and E-Commerce Committee as well as the ACC Nonprofit Organizations Committee.

To view the program, please [click here](#).

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