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Honors and Awards

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 2012



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

News

Obama Nominates Ramirez to Lead FTC

On February 28, President Barack Obama named Edith Ramirez the new Chairman of the Federal Trade Commission (FTC), replacing outgoing Chairman Jon Leibowitz. By appointing a sitting commissioner to the Chairmanship, the President avoided the need for a Senate confirmation of the appointment. However, the President's nominee to fill the now-vacant fifth FTC commissionership must be confirmed by the Senate.

In the almost three years since joining the FTC as a Commissioner, Ramirez has, according to the FTC's press release announcing the nomination, focused on promoting competition and innovation in the technology and healthcare sectors, protecting consumers from deceptive and unfair practices, and safeguarding consumer privacy.

Prior to joining the FTC, Ramirez was a partner in the Los Angeles office of Quinn Emanuel Urquhart & Sullivan, LLP. She holds a J.D., *cum laude*, from Harvard Law School, where she served as an editor of the *Harvard Law Review* and was a classmate of President Obama's. She also holds an A.B. in History *magna cum laude* from Harvard University.

[Click here](#) to read the FTC's press release announcing the nomination.

[Click here](#) to read the *New York Times* story about the Ramirez appointment.

Analysis

FDA Warning Letter Makes Shout-Out to Facebook

Last week, the Food and Drug Administration (FDA) published a December 2012 warning letter on its website showcasing the agency's first-ever enforcement action based on a company's social media activity. In the letter, the FDA interprets a dietary supplement company "liking" a consumer testimonial posted to its Facebook website as an implied endorsement of the underlying claim content, write Venable partners **Todd A. Harrison** and **Erin E. Seder** in a recent post to Venable's advertising law blog, www.allaboutadvertisinglaw.com.

Harrison and Seder write that the FDA observed that the Facebook post made an impermissible drug claim by implying that the company's product was intended for use in the diagnosis, cure, mitigation, treatment or prevention of a disease. While the controversial post has since been removed, FDA's interpretation that a "like" implies endorsement could be a precedent-setting action.

[Click here](#) read the full text of the post by Harrison and Seder.

[Click here](#) to read the full text of the FDA's warning letter.

Supreme Court's *Amgen* Ruling: What it Means for Consumer Class Actions

The Supreme Court's 2011 *Dukes* decision was widely interpreted as a blow to presumptive class certification, and attorneys defending class actions soon began invoking *Dukes* in all manner of class



Top-Tier Firm Legal 500



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certification settings. Now, writes Venable partner **Thomas E. Gilbertsen** in a recent client alert, many think the high court's recent *Amgen Inc. v. Connecticut Retirement Plans & Trust Funds* decision puts the shoe on the other foot.

That analysis, Gilbertsen writes, may be too hasty. Although he expects to see the case cited by plaintiffs' attorneys in a wide range of class action suits, Gilbertsen points out that the decision addresses a specific securities fraud issue. He believes that most advertising and consumer protection-related consumer class actions would likely fail the litmus test outlined in the *Amgen* decision.

[Click here](#) to to read the full text of Gilbertsen's client alert.

Upcoming Events

2013 Association of National Advertisers Advertising Law and Public Policy Conference - Washington, DC

March 19-20, 2013

Venable is proud to sponsor this conference and to host a cocktail reception honoring women in advertising on Tuesday, March 19. Venable partner **Amy Ralph Mudge** will moderate a thought-provoking panel entitled "Have Women In Advertising Really Come a Long Way, Baby?" The panel will discuss images of women in advertising in traditional as well as new media, and whether those idealized images should provoke self-regulation or even government enforcement.

[Click here](#) to register.

Response Expo - San Diego

April 2-4, 2013

Please join Venable at the Response Expo 2013, which brings together key decisionmakers and industry leaders from the corporate marketing arena and direct response spectrum. Please stop by our booth and meet Venable's **Advertising and Marketing attorneys**. Venable is the proud sponsor of the Tiki Party networking event, which will occur on April 3 from 4:30 - 6:00 p.m. PT.

To receive a free Expo Hall Badge to attend Response Expo, [click here](#) and enter the promo code SOCAL13.

ad:tech - San Francisco

April 9-10, 2013

ad:tech spans the full ecosystem of advertising, digital marketing and technology that moves business forward. Please join Venable attorneys at our booth on the show floor, #2551.

To schedule a meeting with one of our attorneys, please [click here](#).

To register, please [click here](#).

ACI's 2nd Green Marketing Compliance Summit - Chicago

April 17-18, 2013

Aimed at in-house counsel, senior executives, and outside counsel, in the advertising, promotions, marketing, media, and e-commerce industries, this ACI Summit will focus on the legal risk, compliance, and public policy challenges faced in environmental marketing. Please join Venable partner **Randal M. Shaheen** when he presents "Mitigating the Risk of Enforcement and Lawsuits: Guidance from the Government and Self-Regulating Bodies" on Thursday, April 18.

[Click 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.

Visit Venable's advertising law blog at www.allaboutadvertisinglaw.com.

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