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Honors and Awards

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News

Digital Advertising Alliance Unveils Mobile Privacy Guidelines

On July 24, the Digital Advertising Alliance (DAA), a coalition of the leading advertising and marketing industry associations and companies that advocate for a self-regulatory approach to online privacy, released new guidelines for consumer privacy in the mobile environment. The guidelines outline how advertisers, agencies, media, and technology companies can provide consumers the ability to see and exercise control over the use of cross-app, personal directory, and precise location data in mobile apps.

According to a DAA press release, these enforceable guidelines reflect the reality that companies and brands engage with their customers on a variety of platforms, including mobile. It also explains how DAA's program applies consistently across channels to certain data practices that may occur on mobile or other devices.

Venable attorneys **Stuart P. Ingis**, **Michael A. Signorelli**, and **Julia Kernochan Tama** served as counsel to DAA in the drafting of the guidelines.

[Click here](#) to read DAA's press release.

[Click here](#) to read a full copy of DAA's Mobile Guidance document.

Analysis

FTC Tells Search Engines and Social Media Sites: "You Got to Keep 'Em Separated"

The FTC's Bureau of Consumer Protection (BCP) recently sent a letter to search engine websites reiterating its commitment to ensuring that websites clearly distinguish between paid advertising and organic search results, write Venable partner **Amy Ralph Mudge** and summer associate John Mavretich* in a recent post to Venable's advertising law blog, www.allaboutadvertisinglaw.com.

The letter, which builds upon guidance BCP supplied to sites in 2002, calls on search engines, websites with search functions, and other web-based platforms to separate ads from organic search results. According to the letter, that differentiation can be accomplished by shading advertisements with a color or border that is clearly distinguishable from background used for natural search results. Websites may also differentiate ads with a text label, although the letter specifically recommends against placing such labels on the right-hand side of the screen.

Mudge and Mavretich* write that the BCP letter also addresses social media platforms and apps. The letter says that social media sites should "clearly distinguish as advertising any information feeds included or prioritized based in whole or in part on payments from a third party."

[Click here](#) to read the full post by Mudge and Mavretich* on Venable's advertising law blog, www.allaboutadvertisinglaw.com.

[Click here](#) to read the text of the BCP letter.



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



Top-Tier Firm *Legal 500*

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

* Mavretich is a Venable summer associate and is not admitted to practice law.

Nine Out of 10 Regulators Prefer Substantiated Preference Claims

Consumer comments about a product do not always have to be substantiated, write Venable partners [Jeffrey D. Knowles](#) and [Randal M. Shaheen](#) in the July edition of *Response Magazine*. However, they write, if marketers turn a consumer comment into a "preference" claim, the story is likely different.

Many marketers wonder: in addition to ensuring that such claims reflect the honest opinions of the depicted consumers, must these types of preference claims also be substantiated? There are few black-and-white answers to many advertising issues, write Knowles and Shaheen, and preference claims are no different. In the column, they dissect examples from the Federal Trade Commission's (FTC) *Guides Concerning the Use of Endorsements and Testimonials in Advertising*, and provide additional best practices for marketers using preference claims.

[Click here](#) to read the *Response* column on preference claim substantiation.

The FTC's Head Scratcher on FDA Pre-approval

An FTC order last week left many scratching their heads, and not just because it concerned lice treatments, write Venable partner [Leonard L. Gordon](#) and summer associate Louis DiLorenzo*. The settlement with two marketers of the bed-bug and head lice treatment, Best Yet! requires them to obtain pre-approval from the Food and Drug Administration (FDA) for any future head lice treatment claims.

Last September, the FTC sued several marketers of Best Yet! challenging ads that marketed the product as a natural, organic, and non-toxic treatment for head lice and bed-bugs. Specifically, the FTC took issue with claims that Best Yet! is effective at treating and preventing head lice and bed-bugs, and that it was developed for the U.S. Army at the request of the U.S. Department of Agriculture.

However, write Gordon and DiLorenzo*, the Commissioners appear to be deeply divided on whether requiring FDA pre-approval is appropriate in this case, and others. Two Commissioners supported the order, one voted against it, and the fourth supported it, but issued a statement clarifying his belief that use of the pre-approval requirement should be very limited.

[Click here](#) to read the full post by Gordon and DiLorenzo* on Venable's advertising law blog, www.allaboutadvertisinglaw.com.

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

* DiLorenzo is a Venable summer associate and is not admitted to practice law.

Upcoming Events

Webinar: "Legal Issues in Running Social Media and Mobile Sweepstakes and Contests"

August 6, 2013 1:00 p.m. - 2:30 p.m. EDT

Join Venable attorneys [Melissa L. Steinman](#) and [Mikhia E. Hawkins](#) as they host a live webinar that will provide an in-depth review of the legal issues relating to conducting prize promotions through social and mobile media.

[Click here](#) to learn more and register with a 20% discount.

Council for Responsible Nutrition Workshop and Conference 2013 - Park City, UT

September 18-21, 2013

The Council for Responsible Nutrition (CRN) is the leading trade association representing dietary supplement manufacturers and ingredient suppliers. Venable is the proud sponsor of the invitation-only Board of Directors dinner at this year's conference.

[Click here](#) to learn more.

ERA D2C Convention 2013 - Las Vegas

September 24-26, 2013

Venable is a proud sponsor of the Electronic Retailing Association's D2C Convention. Please join our attorneys as they host the Pre-Moxie Awards reception, present two educational sessions, and honor Venable partner **Jeffrey D. Knowles** as the winner of the 2013 ERA Lifetime Achievement Award.

To obtain a discounted exhibitor hall pass that will allow you access to the expo as a Venable guest, [click here](#) and register using the code **EI320D26**.

[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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