



September 12, 2013

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Honors and Awards

Top ranked in *Chambers USA*
2013



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

Analysis

Puffery Requires More Than Being “The Best”

Marketers often attempt to defend advertising claims as “just puffery” without a full understanding of the legal parameters of that term, writes Venable partner **Gregory J. Sater** in the September edition of the *DRMA Voice*. For a primer on what puffery is and is not, Sater says look no further than a recent National Advertising Division (NAD) case involving a competitor challenge to television advertising by Tropicana.

[Click here](#) to read the full text of Sater's *DRMA Voice* article.

Understanding “Made In America”

In a recent post to Venable's advertising law blog, www.allaboutadvertisinglaw.com, Venable partners **Amy Ralph Mudge** and **Randal M. Shaheen** discuss how a chain email illustrates the strong consumer appeal of “Made in USA” claims. In a pair of previous posts to the blog, Mudge and Shaheen dissect the requirements to qualify such claims, and where many of these claims fall short.

[Click here](#) to read the blog post by Mudge and Shaheen about the appeal of “Made in USA” claims to consumers.

[Click here](#) and [here](#) to read the posts by Mudge and Shaheen providing in-depth explanations of “Made in USA” claims.

News

Yelp Sues Lawyer for Allegedly Fake Reviews

Last month social media review site Yelp filed a lawsuit against a San Diego attorney alleging that the attorney, his employees, and a group of other attorneys conspired to post fake positive reviews of the lawyer's bankruptcy practice to the social review site. The alleged behavior reads like a list of “what not to do” from the Federal Trade Commission's (FTC) endorsement and testimonial guidelines. For his part, the attorney contends that the lawsuit is retribution for his outspoken criticism of the site's business practices and his successful lawsuit against Yelp after the company failed to deliver advertising he purchased.

[Click here](#) to read a recent *Bloomberg Businessweek* story about the lawsuit.

Don't Miss Venable at ERA D2C

Venable is a proud sponsor of the Electronic Retailing Association's D2C Convention on September 24-26, 2013 in Las Vegas. Join our attorneys as they honor Venable partner **Jeffrey D. Knowles**, recipient of the ERA Lifetime Achievement Award, and present two educational sessions.

Venable partner **Gregory J. Sater** will present “Beauty and Fitness: Making Your Marketing Dollars



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

Count!" on Tuesday, September 24 from 10:30 a.m. to 11:30 a.m. PT. In addition, Venable partner Jeffrey D. Knowles will moderate a panel titled "Don't Risk Revenue: Three R's Every Marketer Must Know" on Tuesday, September 24 from 3:45 p.m. to 4:45 p.m. PT.

Network with other marketers before the Moxie Awards Gala at the Venable-sponsored Pre-Moxie Awards Mixer on Thursday, September 26 from 5:30 p.m. to 7:30 p.m. PT. All Access Pass holders and guests of Venable are encouraged to attend. Expo hall pass holders who want to attend should visit Venable's booth (#909) to be added to the guest list.

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

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

Upcoming Events

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. During CRN's dietary supplements conference, Venable partner **Claudia A. Lewis** will join a panel to discuss "How Non-compliance with FDA Regulations Can Result in a Private Cause of Action for Consumers." Venable is also a proud sponsor of the invitation-only Board of Directors dinner.

[Click here](#) to learn more.

Webinar: "Contract Manufacturing: The Papertrail"

September 24, 2013 | 1:00 p.m. – 4:00 p.m. EDT

Attend this live digital summit hosted by *Virgo Natural Products INSIDER* and hear Venable partner **Claudia A. Lewis** present an interactive presentation titled "Are Your Customer Complaints a Ticking Time Bomb? Ensuring Compliance with Dietary Supplement Adverse Event Reporting Requirements." Learn best practices for dietary supplement companies regarding adverse events requirements, recordkeeping requirements, requirements to report serious adverse events to the FDA, and the latest trends in FDA enforcement.

[Click here](#) to learn more and for complimentary registration.

NAD/CARU/ERSP Annual Conferences - New York City

September 30-October 2, 2013

The Advertising Self-Regulatory Council establishes the policies and procedures for advertising industry self-regulation, including the National Advertising Division (NAD), the Electronic Retailing Self-Regulation Program (ERSP), and the Children's Advertising Review Unit (CARU). Venable attorney **Mikhia E. Hawkins** will join a panel during the ERSP Summit titled "Direct Response: A Year in Review & What's to Come." Timely topics that will be discussed include recent developments and issues in direct response advertising and marketing, various considerations of claim substantiation, and self-regulation's role in the evolving electronic retailing industry.

[Click here](#) to learn more.

ad:tech New York – New York City

November 6-7, 2012

ad:tech spans the full ecosystem of advertising, digital marketing and technology that moves business forward. Please join Venable attorneys at our booth (#1006) on the show floor.

[Click here](#) to register.

35th Annual Brand Activation Association Marketing Law Conference – Chicago

November 18-20, 2013

Venable is proud to sponsor the BAA Marketing Law Conference, featuring the nation's leading speakers from the Marketing and Advertising Law Bar and from major brands and prominent regulators. Venable partner **Melissa Landau Steinman** who serves as co-chair will present a session on gift cards, coupons, and loyalty programs. Joining her as a speaker at the conference is Venable partner **Amy Ralph Mudge**, who will address how to respond when the FTC challenges advertising.

Please join Venable at these sessions and at our reception at the House of Blues on November 18.

[Click here](#) to register for the BAA Conference.

[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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