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**Honors and Awards**

Top ranked in *Chambers USA*  
2013

**News**

## NAD Continues Eyeing Native Advertising, FTC Coming Soon

This week, the *New York Times* wrote about the National Advertising Division's (NAD) continued interest in so-called "native advertising." In native advertising, marketers and publishers cooperate to drive advertising campaigns using editorial content. At the heart of the issue is whether consumers can tell the difference between the advertisements and bona fide editorial content. "I think we look at native advertising as a new label for a problem that we've been looking at for a long time, and that is advertising in deceptive formats," an NAD staff lawyer told the *Times*. The FTC has scheduled a workshop on native advertising for December 4.

[Click here](#) to read the *New York Times* story on native advertising.

[Click here](#) to read a blog post about native advertising and the FTC workshop by Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) on Venable's advertising law blog, [www.allaboutadvertisinglaw.com](http://www.allaboutadvertisinglaw.com).

**Analysis**

## Treble Damages in False Advertising Cases? It Can Happen

A recent \$113 million jury verdict in Texas reminds us that the antitrust laws can come into play in false advertising suits and there are 339 million reasons companies should be concerned, writes Venable partner [Leonard L. Gordon](#) in a recent post to Venable's advertising law blog. The antitrust laws that automatically triple damages can come into play when an actor with monopoly or market power can be said to be unlawfully excluding its rivals through the use of advertising or marketing techniques.

[Click here](#) to read Gordon's analysis of the Texas case in a post to Venable's advertising law blog, [www.allaboutadvertisinglaw.com](http://www.allaboutadvertisinglaw.com).

[Click here](#) to read the jury's verdict in the case.

## Made in USA Claims Very Much on FTC's Radar

With the federal government back in action this week, the FTC wasted no time continuing enforcement of its Made in USA standard, write Venable attorneys [Amy Ralph Mudge](#), [Randal M. Shaheen](#), and [Mark S. Goodrich](#) in a recent post to Venable's advertising law blog. The FTC alleged that although E.K. Ekcessories, Inc. claimed to manufacture its products in Utah, the majority were imported from overseas. In addition, the commission's complaint alleged that the company provided means and instrumentalities, in the form of marketing materials, to third-party retailers for the commission of deceptive acts or practices.

[Click here](#) to read the blog post by Mudge, Shaheen and Goodrich on Venable's advertising law blog, [www.allaboutadvertisinglaw.com](http://www.allaboutadvertisinglaw.com).

[Click here](#) to read the FTC's press release about the case, as well as the consent decree with which the company must comply.



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Advertising and Marketing  
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website at  
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## Upcoming Events

### Webinar: "Class Actions: New Developments & Approaches for Strategic Response" for the ABA Section of Antitrust Law, Private Advertising Litigation Committee

October 25, 2013

12:00 p.m. - 1:00 p.m. ET

Attend this interactive webinar hosted by the ABA Section of Antitrust Law, Private Advertising Litigation Committee, and hear Venable partner [Roger A. Colaizzi](#) and other panelists discuss recent and significant developments in class action practice, including the key decisions regarding ascertainability and commonality – *Thomasson v. GC Services* (Sept. 2013), and *Carrera v. Bayer* (Aug. 2013). Learn creative approaches to responding to class actions, including settlement tactics and determining "take rates." In addition to providing plaintiff and defense perspectives, this panel will discuss class action insurance to help bolster your class action toolkit.

[Click here](#) to learn more and register.

### ad:tech New York – New York City

November 6–7, 2013

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 and receive 25% off all passes when you enter discount code **NY13EXH25**.

### SupplySide West – Las Vegas, NV

November 12–16, 2013

SupplySide West brings together key professionals, thought leaders, and executives who drive the dietary supplement, food, beverage, animal nutrition, personal care, and cosmetic marketplace to explore and discover innovations from around the world. Join Venable partners [Todd A. Harrison](#) and [Claudia A. Lewis](#) for a thought-provoking town hall discussion titled "What Regulators and Other Attorneys Will Not Tell You About FDA, FTC and Class Action Lawsuits." Learn the contours of a permissible structure/function claim, and the type of evidence you need to substantiate claims, plus strategic steps you can take to minimize your regulatory risk and plaintiff class action exposure, and how to respond to an FDA warning letter, a demand from the FTC, and threatened legal action by plaintiff class action attorneys.

[Click here](#) to learn more and 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](#) will present a session on gift cards, coupons, and loyalty programs. Joining her as speakers at the conference are Venable partners [Po Yi](#), who will join a roundtable to discuss legal aspects of partnering with the media on integrated marketing programs, and [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 learn more about the BAA Conference and to receive \$100 off your registration as a Venable guest when you enter discount code **VENABLE100**.

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[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](http://www.allaboutadvertisinglaw.com).

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