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Honors and Awards

Law Firm of the Year, National Advertising, *U.S. News and World Report*, 2012 and 2014

News

FDA Proposes Updates to Nutrition Facts Label

In an announcement released today, the Food and Drug Administration (FDA) outlined its proposal for the first major overhaul of its nutrition facts label in almost 20 years. The nutrition facts label is found on almost every food package sold in the United States.

Under the proposal, the new label would refresh the format to emphasize elements such as calories, serving sizes, and percent daily value. The new labels would also disclose the amount of added sugars, potassium, and Vitamin D in a food product; update serving size requirements; and implement a dual column format to display "per serving" and "per package" values.

Interested parties have 90 days to comment on the proposed changes.

[Click here](#) to read a client alert about the proposed changes authored by [Venable's Food and Drug Practice Group](#).

[Click here](#) to read the FDA's press release announcing the proposed changes and to view an infographic outlining the changes.

[Click here](#) and [here](#) to read *Federal Register* notices detailing the proposed changes.

Angel Garganta joins Venable's San Francisco Office

On February 25, Venable announced that noted California consumer protection litigator [Angel A. Garganta](#) has joined the firm's Northern California office. Mr. Garganta represents many branded clients, including food and dietary supplement marketers, in a broad range of commercial disputes, including unfair business practice litigation and consumer class actions.

"Venable has built one of the country's preeminent litigation platforms for false advertising and consumer actions," Garganta said in the press release announcing his arrival. "The firm has been a leader in developing solutions for branded companies in helping them market and advertise their products with confidence – and defend themselves when necessary from assault by plaintiffs. My practice will be very much at home here."

He joins Venable from Arnold & Porter where he practiced with Randall K. Miller, Amy Ralph Mudge, and Randal M. Shaheen before they joined [Venable's Advertising, Marketing and New Media Practice Group](#).

[Click here](#) to read the full text of the press release announcing Garganta's arrival at Venable.

Analysis

Light Bulbs, Supplements, the FTC, and You

Two recent Federal Trade Commission (FTC) litigation victories in California could have unpleasant consequences for marketers who square off against the FTC in court, write Venable attorneys [Leonard L. Gordon](#) and [Sarah J. Abramson](#) in a recent post to Venable's advertising law blog.

There is nothing particularly new as to the legal principles the FTC articulated in its complaints against Lights of America (a marketer of LED light bulbs) and Wellness Support Network (a marketer of dietary supplements), write Gordon and Abramson. However, the degree to which both courts adopted virtually all of the FTC's factual and legal positions and the fact that both courts entered judgments for the full



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amount of sales despite credible arguments in both cases that consumer harm was far less, is striking. They write that marketers should expect the FTC to cite these cases frequently going forward in efforts to convince other courts to follow the principles set out in these two cases.

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

[Click here](#) to read the Court's order in the *Lights of America* case.

[Click here](#) to read the Court's order in the *Wellness Support Network* case.

FTC No Longer Last Stop for NAD Marketer Referrals?

Chicken of the Sea played a game of chicken with the National Advertising Division of the Council of Better Business Bureaus (NAD) recently when an animal rights group challenged the company's sustainable fishing practices claims. The company declined to participate in NAD's self-regulatory review, claiming that certain laws regulating those claims preempt the NAD's review.

NAD has never taken kindly to preemption arguments, write Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) in a recent post to Venable's advertising law blog. But, they ask, where can NAD refer an advertiser that has already been to the FTC (the same animal rights group had previously asked the FTC to investigate these same claims and the Commission declined)?

In this case, the self-regulatory body referred the matter to the California Department of Consumer Affairs, as well as to the FTC. It will be interesting, write Mudge and Shaheen, to see whether this multi-agency referral is a "one-off" or the harbinger of a new trend, as recent comments by Advertising Self-Regulatory Council CEO C. Lee Peeler may indicate.

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

[Click here](#) to read NAD's press release in the Chicken of the Sea case.

Upcoming Events

International Association of Privacy Professionals Global Summit - Washington, DC

March 5-7, 2014

Venable is a proud sponsor of IAPP, the annual conference where more than 1,000 privacy, data protection, and security professionals from around the globe convene. Join Venable partner [Stuart P. Ingis](#) for a legislative update on Thursday, March 6 at 12:15 p.m. ET. Also, meet [Venable's Privacy and Data Security Practice Group](#) on the show floor at booth #35.

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

Engredea and Natural Products Expo West - Anaheim, CA

March 6-9, 2014

These two conferences bring together the community of leading suppliers and manufacturers to source new ingredients, packaging, technologies, equipment, and services in the global nutrition industry. Join Venable partners [Todd A. Harrison](#) and [Claudia A. Lewis](#) on Friday, March 7 at 1:30 p.m. PT as they present "Give Me a Break, is that Really a Disease Claim?" Visit [Venable's Food and Drug Practice Group](#) on the Engredea show floor at booth #262.

To schedule a meeting with an attorney in the Food and Drug Practice Group, [click here](#).

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

Merchant Acquirer's Committee Conference – Las Vegas, NV

March 11-13, 2014

Venable is a platinum sponsor of the premier payments industry risk conference hosted by the Merchant Acquirer's Committee (MAC). Don't miss the conference's opening keynote presented by Venable partner and former U.S. Congressman [Bart Stupak](#) on Tuesday, March 11 at 8:40 a.m. PT. He will address self-regulation, the best practices of self-regulation, and how an industry can suffer if the government

intervenes.

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

American Advertising Federation's Advertising Day on the Hill – Washington, DC

March 12, 2014

AAF is the nation's oldest national advertising trade association, and the only association representing all facets of the advertising industry. As a proud silver sponsor of this year's Advocacy & Action: Advertising Day on the Hill program, Venable partner [Stuart P. Ingis](#) will join Congressional leadership and AAF members from 27 states and 13 of AAF's 15 districts as a featured speaker.

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

LeadsCon – Las Vegas, NV

March 25-26, 2014

LeadsCon is the definitive conference for vertical media and direct response marketing. Venable partner [Jonathan Pompan](#) will moderate "Lead Generation Legal and Regulatory Outlook: Avoiding Pitfalls and Seizing Opportunities" on Wednesday, March 26 at 11:20 a.m. PT. Timely topics that will be discussed include pitfalls to avoid when working in such markets as legal services, mortgage, consumer and student loans, and debt relief. Attendees will also hear the latest trends in government enforcement and law enforcement actions.

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

ad:tech – San Francisco, CA

March 26-27, 2014

ad:tech San Francisco is the leading digital media event where more than 8,500 marketing and technology professionals from all over the world convene. Visit Venable attorneys on the show floor at booth #2314. Register now and enjoy a 25% discount off your registration as a Venable guest by entering promotion code **EXH25SF14**.

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

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

ANA Advertising Law & Public Policy Conference – Washington, DC

April 23-24, 2014

Venable is a proud sponsor of the Association of National Advertisers' Advertising Law and Public Policy Conference. This two-day program convenes regulators who influence the legal and political climate for advertising and marketing, and top legal professionals and marketers to share the latest insights on how to succeed in the modern media world. Venable partner [Amy Ralph Mudge](#) will speak on the panel "What's Next on Native Advertising?" on Wednesday, April 23 at 3:35 p.m. ET. This panel will explore native advertising issues beyond the "to disclose or not to disclose" questions and best practices to avoid enforcement.

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

[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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