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Honors and Awards

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

Analysis

FTC Settlement Highlights Lead Generation "Warning Signs"

A recent \$3.4 million Federal Trade Commission (FTC) settlement with a lead buyer highlights the potential pitfalls of using lists from lead generators without considering how the lists were compiled, write Venable partners [Ellen Traupman Berge](#) and [Jonathan L. Pompan](#) in a recent client alert.

According to the FTC, the lead buyer purchased lists that a lead generator claimed contained consumers who had provided prior express consent to receive telemarketing calls about a home security system. In fact, the lead generators had called millions of customers on the FTC's Do Not Call (DNC) list using prerecorded message calls (or "robocalls") and had not secured consumers' consent. Making matters worse, the lead buyer called the consumers on the list without first checking the telephone numbers against the DNC Registry, and, despite mounting consumer complaints about the calls, continued buying and using leads from the lead generator. The result was a consent order for the company buying the leads and its owner.

[Click here](#) to read the full text of the client alert and learn about the lead buyer's consent decree, as well as how lead buyers and generators can avoid similar problems.

[Click here](#) to read the FTC's press release, complaint and settlement documents related for this matter.

FTC (Finally) Sounds the Alarm on Endorsements

After the FTC issued its revised *Guides Concerning the Use of Endorsements and Testimonials in Advertising* in 2009, many expected a rash of enforcement in that area. Although the FTC brought a handful of cases challenging advertisers' failure to disclose material connections, this area has not appeared to be a priority, write Venable attorneys [Leonard L. Gordon](#) and [Sarah J. Abramson](#) in a recent post to Venable's advertising law blog.

On March 6, the FTC announced perhaps its most significant endorsement-related enforcement action to date when it announced an action against home security company ADT. The commission alleged that the company misrepresented the statements of paid endorsers as independent opinions of safety and technology experts. The endorsers, however, received almost \$300,000 from plugging the products in television interviews, radio interviews, and on blogs, with almost no mention of their connection to ADT.

In the wake of this announcement, advertisers would be wise to monitor paid spokespersons, including bloggers, to ensure they adequately disclose material connections to the advertiser.

[Click here](#) to read the full text of the blog post by Gordon and Abramson and learn about the specific conditions of the ADT consent order.

[Click here](#) to read the FTC's press release, complaint, and settlement documents in the ADT matter.

[Click here](#) to read the full text of the FTC's *Guides Concerning the Use of Endorsements and Testimonials in Advertising*.

FTC Set to Review TSR...Again

The FTC announced last week that it intends to review its current Telemarketing Sales Rule (TSR), and will solicit comments from the public on possible amendments to that rule. The opportunity to provide comments will be a significant opportunity for marketers to weigh in on one of the FTC's main regulatory and enforcement tools, writes Venable partner [Jonathan L. Pompan](#) in a recent post to Venable's



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advertising law blog.

Despite its focus on telemarketing practices, the TSR's breadth and impact goes far beyond merely the telephone and the well-known Do Not Call Registry. In addition, its broad scope has made the TSR a popular enforcement vehicle for the FTC, Consumer Financial Protection Bureau (CFPB), and state Attorneys General.

[Click here](#) to read the full text of Pompan's blog post and learn more about the TSR.

[Click here](#) to read the full text of the TSR.

What International Companies Must Know About Advertising in the U.S.

There are numerous opportunities for international companies to build U.S. brands in both digital and traditional advertising channels. However, those companies must understand the cornucopia of federal, state, and administrative rules and regulations that can transform opportunity into catastrophe, write Venable partner [Ellen Traupman Berge](#) and former Venable partner Jacqueline Patt in the March 2014 issue of the *INTA Bulletin*.

[Click here](#) to read the full text of the story by Berge and Patt.

Upcoming Events

[DRMA – Chicago Networking Reception – Chicago, IL](#)

March 17, 2014

Venable is a proud sponsor of the DRMA's Chicago Networking Reception, which takes place during the International Home + Housewares show (March 15-18). Stop by and connect with Venable attorneys, DRMA members, and Housewares attendees.

[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.

[62nd ABA Antitrust Law Spring Meeting – Washington, DC](#)

March 26-28, 2014

The 62nd Spring Meeting of the American Bar Association's Section of Antitrust Law is the largest antitrust and consumer protection conference in the world. This three-day program features more than 50 substantive sessions across a wide range of hot topics in antitrust and consumer protection law in the U.S. and abroad. Venable associate [David D. Conway](#) will join the panel "Pathways to Leadership" on Tuesday, March 25 at 3:30 p.m. ET. In addition, Venable partner [Amy Ralph Mudge](#) will present "When ADR, Self-regulation and Litigation Collide" on Wednesday, March 26 at 9:00 a.m. ET.

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

[ETA TRANSACT – Las Vegas, NV](#)

April 8-10, 2014

The Electronic Transaction Association's TRANSACT conference is the one place where the global payments and transactions ecosystem come together. Attend the Venable-sponsored policy education track sessions and learn about the important legal issues affecting the industry.

[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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