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Honors and Awards

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

Notice

Venable's *Advertising Law News & Analysis* will take a two-week summer vacation and return to your inbox on September 4. We plan to make the most of what remains of the summer and hope you will too. Enjoy.

News

FTC Announces Agenda for Sept. Big Data Workshop

On August 8, the Federal Trade Commission (FTC) released the agenda for its upcoming workshop, "Big Data: A Tool for Inclusion or Exclusion?" The workshop will take place September 15 in Washington, DC and will examine marketers' use of big data and the potential impact of big data on consumers, with a special focus on low-income and underserved consumers.

Read the FTC's event notice to [learn more about the Big Data Workshop](#).

State AGs Escalate E-Cig Discussion in Comments to FDA

Last week, 29 state attorneys general submitted comments to the Food and Drug Administration (FDA) urging the agency to prohibit certain marketing tactics they feel entice children and young adults to try E-Cigarettes. Among other things, the attorneys general asked the FDA to subject the products to the same advertising and marketing restrictions with which traditional tobacco manufacturers must comply. The AGs also called on the FDA to enact additional restrictions on the marketing of some traditional tobacco products.

E-Cigarette proponents have countered that the AGs' comments seek to restrict the marketing of an adult product that has the potential to have significant health savings if adult smokers switch to it from traditional tobacco products. In addition, some proponents maintain that the restrictions on advertising sought by the AGs would likely violate the Commercial Speech Doctrine.

Click here to [read the Illinois AG's press release announcing the comments](#).

[Read the comments filed by the attorneys general.](#)

Venable Secures Victory in Putative Class Action on Behalf of Oral Supplement Manufacturers

Earlier this month, a team of Venable attorneys secured dismissal with prejudice in a putative consumer class action that hinged on a 12-count complaint alleging violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), as well as several California and New York false advertising laws by GNC, Direct Digital LLC, Force Factor LLC, and other parties in the testosterone oral supplement industry.

U.S. District Judge Manuel L. Real of the Central District of California granted Venable's motion to dismiss, finding no personal jurisdiction over the individual defendants, and ruled that the plaintiffs failed to allege essential elements of their RICO and state law claims. He also found a scientific report on which plaintiffs relied actually contradicted their own allegations, making any attempt to amend their complaint futile.



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Read Venable's press release to [learn more about the ruling and Venable team](#).

Analysis

After *POM* Decision, Some Claims Aren't Worth the Squeeze

A recent Supreme Court decision in *POM Wonderful v. Coca-Cola* has opened a new potential avenue for challenges to advertising claims that appear on the labels of products subject to the Federal Food Drug and Cosmetic Act (FDCA) and the Food and Drug Administration rules that enforce the Act.

Although questions remain about the scope of the decision, write Venable attorneys [Jeffrey D. Knowles](#) and [David D. Conway](#) in the July edition of *Response* magazine, marketers of products subject to the FDCA, such as foods, dietary supplements, and cosmetics, have gained a powerful tool for challenging competitors' claims.

Read their column in *Response* to [learn more about the *POM Wonderful* decision](#).

[Read the Supreme Court's *POM Wonderful* opinion.](#)

Upcoming Events

[Legal Issues in Running Social Media and Mobile Sweepstakes and Contest – Webinar](#)

August 19, 2014

Venable partner [Melissa Landau Steinman](#) will host this webinar presented by Lorman from 1:00 p.m. to 2:30 p.m. ET on Tuesday, August 19. The live webinar will provide an in-depth review of the legal issues relating to conducting prize promotion through social and/or mobile media.

Registered attendees may receive CLE credits depending on their State Bar's requirements.

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

[3rd Annual Summit on Digital Advertising Compliance: Social media, Sweepstakes & Promotions – New York, NY](#)

September 8-10, 2014

Venable partner [Melissa Landau Steinman](#) will be speaking on "Deploying Gamification to Sweepstakes and Promotions to Engage Consumers and Enhance Brand Loyalty." This informative session will examine the legal implications of combining gamification with digital advertising in the form of sweepstakes and social media, as well as how to ensure sweepstakes comply with state and federal gambling laws.

[Click here for more information on the Summit and to register.](#)

[Venable's 2014 Intellectual Property Symposium](#)

On Wednesday, September 10, Venable will host a half-day IP law symposium at the firm's Washington, DC office. Venable attorneys, in-house counsel, and academics will discuss emerging trends and best practices in areas such as trademarks, patents, licensing, copyright, and effectively settling IP litigation. There is no fee to attend the event and CLE credit may be available, depending on your State Bar's requirements.

[Learn more about the event, view the full agenda, and register.](#)

[ERA's D2C Conference – Las Vegas, NV](#)

September 16-18, 2014

Venable is a proud sponsor of the Electronic Retailing Association's D2C Convention taking place September 16-18 in Las Vegas. Please join our attorneys at Venable's booth in the exhibit hall and at the

Venable-hosted Pre-Moxie Awards reception.

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 **EX11775**.

[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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