



September 25, 2014

Issue Editors**Jeffrey D. Knowles**jdknowles@Venable.com
202.344.4860**Roger A. Colaizzi**racolaizzi@Venable.com
202.344.8051**Gary D. Hailey**gdhailey@Venable.com
202.344.4997**Gregory J. Sater**gjsater@Venable.com
310.229.0377**In This Issue****Jeffrey D. Knowles**jdknowles@Venable.com
202.344.4860**Ellen Traupman Berge**etberge@Venable.com
202.344.4704**Jonathan L. Pompan**jlpompan@Venable.com
202.344.4383**Ian D. Volner**idvolner@Venable.com
202.344.4814**Gregory J. Sater**gjsater@Venable.com
310.229.0377**Mark S. Goodrich**msgoodrich@Venable.com
202.344.4715**Alexandra Megaris**amegaris@Venable.com
212.370.6210**Honors and Awards**Law Firm of the Year, National Advertising, *U.S. News and World Report*, 2012 and 2014

Join Venable for Industry Insight and CLE Credit

Please join Venable's advertising attorneys for an Advertising Law Symposium at the San Francisco Marriott Marquis on October 20, 2014. This all-day MCLE-accredited program is a valuable opportunity to exchange ideas and network with Venable attorneys, regulatory insiders, and top advertising law thought leaders. Key topics to be addressed include challenging competitor advertising, social media and ethics requirements, branded entertainment, digital media, gaming, health-related marketing claims, and FTC and CFPB regulations.

Space is limited so [register for the free Symposium today](#).

News

Apparently, the FTC Really Does Care About Disclosures

On September 23, the Federal Trade Commission (FTC) announced it had sent warning letters to more than 60 brands notifying them that the Commission believed that the disclosures in the companies' advertisements were inadequate.

Far from targeting only the "fast talking" marketers the FTC usually dings over disclosures, the sweep, dubbed "Operation Full Disclosure" by the Commission, included letters to 20 of the nation's 100 largest advertisers.

[Read the "Operation Full Disclosure" press release here.](#)

Download Venable's Advertising Law Tool Kit to [learn more about advertising disclosure best practices](#).

Ohlhausen "Hangs Out" With App Developers

On September 24, FTC Commissioner Maureen Ohlhausen participated in a Google+ Hangout hosted by Google in conjunction with the Application Developers Alliance. Discussion during the online event focused on the FTC's authority to address issues faced by stakeholders in the app economy.

While Ohlhausen highlighted the benefits that apps bring to consumers, she underscored, among other things, app developers' obligation to make full and transparent disclosures to consumers about which, how, and by whom personal information is collected. She also highlighted the importance of protecting children on the Internet and compliance with the Children's Online Privacy Protection Act (COPPA).

[View a recording of Ohlhausen's Google+ hangout.](#)

Download Venable's Advertising Law Tool Kit to [learn more about best practices in marketing to children and making disclosures to consumers](#).

Analysis

The Legal Year in Review

September, write Venable partners [Jeffrey D. Knowles](#) and [Gregory J. Sater](#) in the latest issue of *Electronic Retailer* magazine, is a great time to take stock of the legal and regulatory events of the previous year and to consider what might be just over the horizon.

In their column, Knowles and Sater highlight the FTC's growing scrutiny of third-party service providers, changes to the Telephone Consumer Protection Act (TCPA), Canada's new commercial anti-spam law, and the deluge of class actions.



Top ranked in *Chambers USA* 2014



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

Read the article to [learn more about recent changes in advertising law](#).

FTC Takes on the TSR: What You Need to Know

Not to be outdone by the Federal Communication Commission's (FCC) changes to the rules under the Telephone Consumer Protection Act (TCPA) last year, the FTC has teed up a number of issues that may portend big changes to the Telemarketing Sales Rule (TSR), write Venable attorneys [Ellen T. Berge](#), [Ian D. Volner](#), and [Mark S. Goodrich](#) in a recent post to Venable's advertising law blog.

The FTC's Request for Public Comments on the TSR floats some very big issues, and it leaves open the possibility for changes in other areas of the Rule. Some of those unspoken areas, the authors write, could have significant implications for marketers, as well as their service providers.

[The never-ending flood of class action lawsuits](#) alleging TSR violations is proof positive that the Rule is on the radar of plaintiffs' attorneys and consumer advocates. Marketers and their service providers should take just as keen an interest in the Commission's review of the Rule.

Read the full text of the blog post to [learn more about the FTC's request for comments about the TSR](#).

[Read the FTC's announcement of the review of the TSR](#).

Download the most recent edition of Venable's *TCPA Update* to [read up on the latest class action lawsuits alleging TSR and TCPA violations](#).

FTC Mortgage Lead Gen Settlement Has Lessons for all Lead Generators

A recent settlement demonstrates the lead generation and mortgage advertising remain top priorities for the FTC, even though the Commission shares enforcement authority for nonbank mortgage advertising with the Consumer Financial Protection Bureau (CFPB). In a recent client alert, Venable attorneys [Jonathan L. Pompan](#) and [Alexandra Megaris](#) write that the settlement is an important reminder that lead generators and buyers, no matter their industry vertical, should review all advertising and marketing for compliance with applicable laws and regulations in their industry verticals, as well as bedrock advertising requirements.

Read the client alert to [learn more about the implications of the settlement](#).

[Read the FTC's press releases, Complaint, and Stipulated Order in the case](#).

Download Venable's Advertising Law Tool Kit to [learn more about lead generation best practices](#).

Upcoming Events

[NAD/CARU Annual Conferences – New York, NY](#)

September 29 – October 1, 2014

Venable is a proud sponsor of the joint NAD/CARU conference where you will gain practical insight into enhancing the use of the advertising industry's self-regulatory forum and learn about the current challenges facing the Children's Advertising Industry.

On September 30, Venable partner [Amy Ralph Mudge](#) will moderate the "Native Advertising and Consumers: Rules of Engagement" session, which will explore strategies for building consumer trust, content creation and control, and prevailing FTC and NAD guidance.

On October 1, Venable partner [Melissa Landau Steinman](#) will participate in a CARU panel discussion "Beyond the Tube – Marketing Content to Children Through Non-Traditional Means," which will include discussions around the issues encountered when marketing movies, websites, apps, and video games to children.

Venable will host a cocktail reception at El Vez on September 29. [Click here if you are interested in attending](#).

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

[Supply Side West – Las Vegas, NV](#)

October 6 – 10, 2014

Venable and KGK Synergize will join forces as co-sponsors at this year's SupplySide West expo. This is

the world's largest expo gathering more than 1,700 top ingredient suppliers and equipment companies, as well as lab-test firms, logistics and packaging experts. Venable's [Todd Harrison](#), [Claudia Lewis](#), [Angel Garganta](#), [Andrew Pratt](#), and [John Moore](#) will lead a number of educational workshops and briefing sessions covering a variety of pertinent topics including: clinical trials for today's headlining health issues; ITC and supply chain integrity; FSMA implications for dietary supplements; and class action lawsuits.

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

[Bridging the Gaps: An Advertising Law Symposium – San Francisco, CA](#)

October 20, 2014 | 8:00 a.m. – 5:15 p.m. PT

Please join us for an Advertising Law Symposium at the San Francisco Marriott Marquis on October 20, 2014. This all-day MCLE-accredited program is a valuable opportunity to exchange ideas and network with Venable attorneys, regulatory insiders, and top advertising law thought leaders. Key topics to be addressed include challenging competitor advertising, social media and ethics requirements, branded entertainment, digital media, gaming, health related marketing claims, and FTC and CFPB regulations.

Confirmed speakers include:

- **Ross Hoffman**, Director of Brand Strategies US, Twitter (Keynote Speaker)
- **Sheila Jambekar**, Senior Counsel, Zynga
- **Yan Fang**, Senior Attorney, Federal Trade Commission, Western Regional Office
- **Gabriel Martinez**, Advertising Counsel, The Clorox Company
- **Laura Brett**, Staff Attorney, National Advertising Division of the Council of Better Business Bureaus
- **Judge Marilyn Patel (retired)**, U.S. District Court for the Northern District of California

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

[Venable's San Francisco Office Celebrates One Year](#)

October 20, 2014 | 5:30 p.m. PT

Please join us for cocktails & hors d'oeuvres as we celebrate the one-year anniversary of our San Francisco office. The anniversary celebration will be held at the Press Club in San Francisco on October 20, 2014 at 5:30 p.m. This invite-only event will provide an opportunity for guests to network and learn more about Venable's efforts and achievements on the west coast. Venable attorneys from San Francisco and other offices will be in attendance as well.

[Click here for more information and to 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.

CALIFORNIA DELAWARE MARYLAND NEW YORK VIRGINIA WASHINGTON, DC

1.888.VENABLE | www.Venable.com

© 2014 Venable LLP. This alert is published by the law firm Venable LLP. It is not intended to provide legal advice or opinion. Such advice may only be given when related to specific fact situations that Venable has accepted an engagement as counsel to address. ATTORNEY ADVERTISING.

575 7th Street, NW, Washington, DC 20004

© 2014 Venable LLP | www.Venable.com | 1.888.VENABLE