



October 2, 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

Allyson B. Baker
abbaker@Venable.com
202.344.4708

Amy Ralph Mudge
amudge@Venable.com
202.344.4743

Randal M. Shaheen
rshaheen@Venable.com
202.344.4488

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](#).

Analysis

Is the Disclosure Going the Way of the Dodo?

The fine print disclosure may be as American as apple pie, but it's had a rough time of late, write Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) in a recent post to Venable's advertising law blog.

In 2013, the Federal Trade Commission's (FTC) revised Dot.com disclosures advocated clearer and more prominent disclaimers and also asked advertisers to consider whether the information should be in the body of the ad itself rather than in a footnote or a super. Recently the FTC went a step further, the authors write, sending warning letters to 60 companies, including 20 of the largest 100 advertisers in the country, alerting them that the FTC believes they failed to make adequate disclosures in certain TV, print, and online ads. And there is likely more to come because the FTC made a point to warn advertisers not to assume all is well just because they did not to receive a letter.

Read the blog post to [learn what types of "inadequate" disclosures raised the FTC's eyebrows](#).

Click here to [read the FTC's "Operation Full Disclosure" press release](#).

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

FTC's Fred Meyer Guides: the Only Thing that Hasn't Changed Since the 1990s?

In late 2012, the FTC announced that it was considering how to update its "Fred Meyer Guides" which are intended to help businesses comply with the two provisions in the Robinson-Patman Act that cover advertising allowances or other merchandising payments that a manufacturer might use to help favor some retailers over others. Venable attorney [Robert P. Davis](#) writes in a recent post to the firm's advertising law blog that changes in law and in the economy, for example ecommerce, called into question whether the Guides were even needed.

After analyzing comments from a diverse group of stakeholders, Davis writes, the FTC issued its revisions to the rule last week.

Read Davis' blog post to [learn what has, and has not, changed in the revised Guides](#).

CFPB Moves to Supervise Auto Finance

The Consumer Financial Protection Bureau (CFPB) announced its plans to subject many nonbank automobile financing companies to its supervisory authority in a recent notice of proposed rulemaking and request for public comment, writes Venable partner [Allyson B. Baker](#) in a recent client alert. The CFPB's proposal, she writes, signals heightened scrutiny of the marketing, credit reporting, and debt collection practices of auto finance companies, in addition to the Bureau's ongoing focus on pricing practices and equal access to credit.



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 client alert to [learn how the CFPB sized up the auto financing market](#).

Click here to [read the full text of the CFPB's notice](#).

The Invention that Resulted in the Rights of Privacy and Publicity

The Right of Privacy has become deeply embedded in our culture, writes Venable partner [Joshua J. Kaufman](#) in a recent article. So ingrained are the Right of Privacy and Right of Publicity that most jurisdictions have specific statutes protecting those rights, and jurisdictions without specific statutes use the common law.

But, Kaufman asks, have you ever wondered from where this set of rights arose and why? They are not, after all, written out in the Constitution. It all started in 1890 with one novel invention and two legal scholars, Samuel Warren and Louis Brandeis (who later became a renowned Supreme Court Justice).

Read the article to [learn what nefarious invention spawned an issue that dogs advertisers today](#).

Upcoming Events

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

Monday, 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.](#)

Inside 3D Printing Conference and Expo – Santa Clara, CA

October 21 – 23, 2014

This is the leading B2B trade show for the 3D printing industry. Attendees will learn from key industry influencers how the 3D printing boom will affect brands and businesses.

Venable attorneys [Claudia Lewis](#) and [Heili Kim](#) will present a session, "Digitally Manufacturing Food to Your Dietary Needs – Are Innovations Advancing Faster than FDA Regulations are Evolving?" on Thursday, October 22. The session will focus on the unique challenges associated with food, 3D printing and the Food and Drug Administration (FDA). Also on Thursday, October 22, Venable attorney [Justin Pierce](#) will host "Strategies for the 3D Printing Era". This discussion will focus on the application of Intellectual Property (IP) in developing strategies to protect or leverage products, services, and business models that use 3D printing.

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

Use the discount code **SPK50** to save 50% when registering.

[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