

**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

Ashley W. Craig
awcraig@Venable.com
202.344.4351

Leonard L. Gordon
lgordon@Venable.com
212.370.6252

Joshua J. Kaufman
jjkaufman@Venable.com
202.344.8538

Allyson B. Baker
abbaker@Venable.com
202.344.4708

Peter S. Frechette
psfrenchette@Venable.com
202.344.4616

Elizabeth K. Lowe
eklowe@Venable.com
202.344.4213

Happy Thanksgiving

Venable's *Advertising Law News & Analysis* will not publish an edition next week because of the Thanksgiving holiday. We hope you enjoy a restful holiday with friends and family and look forward to returning to your inbox on December 4.

News:

Is FTC Ready to Let the Fur Fly?

In a recent post to the Federal Trade Commission's (FTC) Business Center Blog, Commission attorney Robert Frisby wrote that November 19 was an important day for all companies that manufacture, import, or sell garments containing fur because amendments to the FTC's Fur Rule took effect on that date.

[Read Frisby's blog post for an overview of the changes to the Act.](#)

[Access the FTC's guide to complying with the Act, as well as the full text of the Act, here.](#)

Analysis:

AliBaba Launches Anticounterfeiting Tool

For many years, the go-to tactic for stopping counterfeits produced in China from reaching consumers in the U.S. has been to find a way to stop the containers of infringing goods from entering the country, writes Venable partner **Joshua J. Kaufman** in the October edition of *Art World News*. Kaufman writes that the proliferation of Chinese online marketplaces, such as AliBaba, has added a new and potentially problematic front in the brand protection battles that traditionally targeted factories, importers, distributors, and retailers involved in trafficking counterfeits.

The good news is that AliBaba, which went public on the NYSE in September, sees counterfeiting as a significant reputational risk and has launched a program dubbed "AliProtect" to help brands report and remove infringing products that appear in AliBaba's online marketplaces.

[Read Kaufman's article for a step-by-step roadmap to navigating the AliProtect process.](#)

FTC Finds TRUSTe Didn't Verify

President Ronald Reagan etched the old Russian proverb "Trust but verify" into the annals of history when he used the phrase in arms negotiations with his Soviet counterpart Mikhail Gorbachev. Earlier this week, the FTC reiterated that the most important aspect of the saying is the verification, not the trust, write Venable attorneys **Leonard L. Gordon** and **Shahin O. Rothermel** in a recent post to Venable's advertising law blog.

The Commission took TRUSTe, an entity that offers certified privacy seals for companies to display on their websites, to task for failing to conduct annual recertifications of compliance for more than 1,000 websites

Matthew R. Rabinowitz
mrrabinowitz@Venable.com
202.344.4228

Shahin O. Rothermel
sorothermel@Venable.com
202.344.4550

Honors and Awards

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



Top ranked in *Chambers USA* 2014



Top-Tier Firm *Legal 500*



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that displayed the company's seal between 2006 and 2013. The FTC also alleged that TRUSTe, a for-profit company since 1997, provided "means and instrumentalities" that enabled consumer deception by giving certified sites language to use in their privacy policies that stated that TRUSTe was an independent, nonprofit organization.

[Learn what lessons the TRUSTe settlement has for companies that provide certifications and seals, as well as for marketers using such certifications.](#)

[Read the FTC's TRUSTe press release and complaint here.](#)

FMC to Review West Coast Port Congestion Surcharges

On November 17, the Transpacific Stabilization Agreement (TSA), a discussion group of major ocean carriers, announced that because of ongoing labor-caused congestion at ports on the west coast of the U.S., a number of its 15 carrier members have or will soon implement a port congestion surcharge, write Venable attorneys [Ashley W. Craig](#), [Elizabeth K. Lowe](#), and [Matthew R. Rabinowitz](#) in a recent client alert.

For import cargo, the surcharges will be \$800 per 20-foot container, \$1,000 per 40-foot container, \$1,125 per 40-foot high-cube container, and \$1,256 per 45-foot container. This week, the Federal Maritime Commission stated that it will review these congestion surcharges and determine whether they comply with the Commission's rules and regulations for such fees.

[Read the client alert to learn more about the factors causing the surcharges and the regulations governing such charges.](#)

CFPB Proposes Greater Protection for Prepaid Cards

The popularity of prepaid cards in the United States has skyrocketed in recent years. A [Mastercard study](#) projects the U.S. prepaid market will grow to more than \$421 billion in 2017, up from \$152 billion a decade earlier. It is not surprising, then, that the Consumer Financial Protection Bureau (CFPB) would take an interest in how prepaid cards are marketed to consumers and what protections are afforded to users of the cards.

Last week, the CFPB unveiled its proposed rule for prepaid products and released a study on prepaid account agreements. In a post to Venable's advertising law blog, attorneys [Allyson B. Baker](#) and [Peter S. Frechette](#) provide analysis of both the proposed rule and the study's findings.

Read their blog post to [learn how the rule could change the way prepaid products are marketed and affect companies whose customers use the increasingly prevalent payment instruments.](#)

[Read the text of the CFPB's proposed prepaid card rule here.](#)

[Read the text of the CFPB's "Study of Prepaid Account Agreements" here.](#)

Upcoming Events:

[Ebola and Beyond: Managing Your Workplace, Insuring against Risk, and Addressing Misconceptions about This and the Next Public Health Crisis – Washington, DC and online](#)

December 1, 2014 | 12:00 - 2:00 p.m. ET

Every organization needs to prepare for Ebola, both the issues that arise if employees come into contact with the virus, and the non-medical harms that Ebola may inflict on your business or organization. And, after the attention of the public and the press turns away from Ebola, what can you learn that will help you prepare for the inevitable next public health issue that will affect your organization?

Venable has joined with the National Association of City and County Health Officials (NACCHO) and Wells Fargo Insurance Services USA, Inc. to present an in-person event and webinar that will address these and other medical, legal, and risk issues.

[Learn more about and register for the informative, in-depth discussion that will explore how your organization can prepare for Ebola, as well as future public health crises.](#)

"Perfecting the Charitable Promotion: Legal, Financial and Practical Considerations for Commercial Co-Ventures" at the GWSCPA 2014 Nonprofit Finance and Accounting Symposium – Washington, DC

December 18, 2014 | 9:10 – 10:25 a.m. ET

In this program, you will hear from three professionals, including Venable attorney **Kristalyn J. Loson**, who are well versed in the related areas of promotions and charitable fundraising. They will explain the myriad legal and regulatory issues involved, as well as the latest developments in promotional campaigns. By attending this program, nonprofits will get a better understanding of the state regulatory requirements, general advertising concerns, and relevant federal tax issues they need to navigate in order to tap into the power of promotional campaigns.

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

The Canadian Institute's 21st Annual Advertising & Marketing Law – Toronto, ON

January 26-27, 2015

Giving great advice means recognizing, anticipating, and reacting to the latest developments. Equip yourself to do just that at The Canadian Institute's 21st Annual Advertising & Marketing Law program. Stay current in this dynamic field with practical, in-depth, and innovative strategies and solutions from practice leaders, industry experts, and key regulators. Venable partner **Amy Ralph Mudge** will discuss third-party liability, native advertising, and the rise of class actions in Canada during her presentation "Emerging Issues to Watch" at 1:30 p.m. on January 27.

Click here to [learn more about the conference and register](#). Use the code **265SAME** when registering to save \$200.

[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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