



January 15, 2015

Issue Editors**Jeffrey D. Knowles**jdknowles@Venable.com
202.344.4860**Roger A. Colaizzi**racolaizzi@Venable.com
202.344.8051**Gary D. Hailey**gghailey@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**Leonard L. Gordon**lgordon@Venable.com
212.370.6252**Randal M. Shaheen**rmshaheen@Venable.com
202.344.4488**Allyson B. Baker**abbaker@Venable.com
202.344.4708**Michelle C. Jackson**mcjackson@Venable.com
202.344.4492**Peter S. Frechette**psfrechette@Venable.com
202.344.4616**Honors and Awards**

Law Firm of the Year, National

Analysis:

The New Year Is the Time to Think About Carbs – or, at Least the CARB Survey

If you are unsure whether your products are subject to the California Air Resources Board's (CARB) Survey Requirements, now would be a good time to find out, write Venable attorneys **Jeffrey D. Knowles** and **Michelle C. Jackson** in the latest edition of the *DRMA Voice*.

With a few exceptions, every company, firm, or establishment whose name appears on the label of a consumer or commercial product that was sold or supplied for use in California during calendar year 2013, and whose product falls into a category on the 2013 Survey Category List, must register with CARB. After registering, companies must submit detailed answers to the Board's survey by March 2.

Read the authors' *DRMA Voice* column to [learn more about the CARB Survey](#).

[Visit CARB's pre-survey website to learn if your products require a response to the survey.](#)

Did the FTC Just Put Paid Search Terms Under the Microscope?

Companies' paid search terms may soon receive a lot of attention from the Federal Trade Commission (FTC), write Venable partners **Leonard L. Gordon** and **Randal M. Shaheen** in a recent post to Venable's advertising law blog.

In a post to the FTC's Business Center Blog, an FTC staffer mentioned that the Commission used a company's paid search terms to evaluate the "net impression" of online advertisements in a recent investigation. Although Gordon and Shaheen believe it is unlikely that paid search terms will be subject to a strict claims and substantiation standard, they write it is also clear that the FTC, in this case at least, took a holistic view of the search terms, advertising text, and landing page claims when determining how consumers were likely to interpret online advertising claims.

Read the blog post by Gordon and Shaheen to [learn what the FTC's recent interest in paid search means for your online advertising](#).

Read the FTC's Nourish Life [complaint](#) and [settlement](#) documents.

[Read the FTC's blog post.](#)

CFPB Launches "Know Before You Owe" Mortgage Initiative

During a January 13 address at the Brookings Institution, Consumer Financial Protection Bureau (CFPB) Director Richard Cordray announced that the Bureau is launching a tool that will give consumers more information about likely interest rates offered in their geographic area to individuals with their specific credit score. The motivation behind the development of the tool was data from the recent National Survey of

Advertising, *U.S. News and World Report*, 2012 and 2014



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

Mortgage Buyers that indicated consumers rarely shop around for the best available mortgage rate.

In a recap of the presentation, Venable attorneys [Allyson B. Baker](#) and [Peter S. Frechette](#) write that Cordray also addressed persistent criticism of the CFPB's public consumer complaint database, the Bureau's study of arbitration clauses in consumer finance agreements, and a number of other topics.

[Read Baker and Frechette's summary of the address.](#)

[Read Cordray's prepared remarks for the Brookings Institution address](#)

Upcoming Events:

[The Canadian Institute's 21st Annual Advertising & Marketing Law Program – 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.

[Electronic Retailing Association's Great Ideas Summit – Miami, FL](#)

January 26-28, 2015

Join Venable at ERA's Great Ideas Summit, the conference that brings together the direct response industry's most influential leaders to hold high-powered meetings and exchange ideas. Join Venable partner [Amy Ralph Mudge](#) for an in-depth discussion of current FTC and state AG enforcement priorities, as well as how the coming changes in Washington will affect the direct response industry.

[Click here to learn more about the conference and register.](#) Use the code **INVTCD15** when registering to save \$100.

[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

© 2015 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

© 2015 Venable LLP | www.Venable.com | 1.888.VENABLE