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**Analysis****USPS Thinks it's Time You Pay the Postman**

Over the past few years, the U.S. Postal Service's internal Office of Inspector General has concluded that the Postal Service's auditing practices lack adequate controls against short-payment or non-payment of postage on meter mailings. The Postal Service has responded by stepping up enforcement efforts. And business mailings of parcels, the type of mailings sent by most direct response marketers, is an area of special concern, write Venable partners **Matthew Field**, **David M. Levy**, and **Ian D. Volner** in a recent post to Venable's advertising law blog.

In the post, the authors explain how the Postal Service investigates underpayment and calculates penalties that can often run to seven figures for high-volume mailers. They also outline common procedural problems the firm has encountered in investigations.

Read one of our most popular blog posts of all time to [learn how your company should respond to a demand letter alleging underpayment](#).

**Data Shows Widespread Compliance Issues for Online Marketers**

2014 was clearly a year of increased government scrutiny and compliance obligations for lead generators and online marketers. As a result, advertisers will need to ramp up compliance efforts in 2015 or face a heightened risk of investigations and enforcement actions, write Venable attorneys **Jonathan L. Pompan** and **Mark S. Goodrich** in a recent post to Venable's advertising law blog.

In the post, Pompan and Goodrich explain that some studies report that as many as two-thirds of URLs contain potential compliance violations, and they use a recent infographic from marketing compliance company PerformLine to illustrate the point. The data, they write, serves as a reminder that online advertising and marketing is a high-stakes game. If you do not have an overall advertising review policy and compliance plan in place, now is the time to institute one.

Read the blog post and [learn which industries are most likely to have compliance issues](#).

**Advertising in Cuba? Not Yet, Says Uncle Sam**

President Obama created a lot of buzz about opening the Cuban market to Americans last month, write Venable attorneys **D.E. Wilson, Jr.** and **Andrew E. Bigart** in a recent post to Venable's advertising law blog. However, when it comes to Cuba, the gulf between buzz and profits is much wider than 90 miles.

Before the doors are thrown open, the authors write, the administration must issue a boatload of new regulations, and enlist the assistance of a Congress markedly less enthusiastic about the announcement than the President. Even after those obstacles are overcome, others remain and it may be a long time before the marketplace for U.S. exports to Cuba opens. In the meantime, the authors write, the Bureau of Customs and Border Protection, as well as the Departments of Treasury and Justice, will continue to enforce the embargo.

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Read the article to [learn more about the policy changes necessary to open trade with Cuba.](#)

## CFPB and DOJ Tag-Teaming Enforcement

Investigational fact finding by the Consumer Financial Protection Bureau (CFPB) is serious business and companies should approach these requests as evidence-gathering mechanisms with far-reaching consequences, write Venable attorneys [Allyson B. Baker](#), [Joanna P. Breslow Boyd](#), and [Peter S. Frechette](#) in a recent client alert.

Such inquiries may yield evidence for civil lawsuits brought by the CFPB and potential evidence for criminal matters prosecuted by the Department of Justice (DOJ). In addition to the monetary relief and civil money penalties the CFPB can impose, the Consumer Financial Protection Act provides that if the Bureau obtains evidence of conduct that "may constitute a violation of Federal criminal law, the Bureau shall transmit such evidence" to the DOJ. And, the authors write, recent enforcement actions, such as a CFPB referral that resulted in a nine-year prison sentence, demonstrate the significant extent to which the CFPB and DOJ are working together to investigate and prosecute alleged violations of consumer protection laws.

Read the full text of the alert to [learn more about how the CFPB's investigations are informing criminal cases brought by DOJ.](#)

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## 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, 2014

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](#).

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