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202.344.4038**Analysis:**

## BBB Advertising Code Gets First Major Update in 30 Years

Earlier this month, the Council of Better Business Bureaus (BBB) announced the first set of significant updates to its Code of Advertising since 1985, write Venable attorneys **Amy Ralph Mudge**, **Randal M. Shaheen**, and **Laura Arredondo-Santisteban** in a recent post to Venable's advertising law blog. According to a BBB press release, the changes were made "to reflect the many new ways that advertisers reach consumers via websites, social media, texting and other channels."

National advertisers may think of the BBB as the home of the National Advertising Division (NAD), Children's Advertising Review Unit (CARU), and other advertising self-regulatory forums, the authors write. But, it is also important to remember that in addition to providing industry guidance and forming the basis for the self-regulatory system administered by the BBB, the BBB's Code of Advertising also governs advertising disputes that are heard at the BBB's 112 local offices. How significant is that? According to *Advertising Age*, the NAD heard 140 advertising cases during 2014. During the same year, more than 11,000 advertising reviews were performed at the local BBB level.

Read the full text of the blog to [learn what the Code of Advertising updates mean for your business](#).

[Read the full text of the updated Code of Advertising.](#)

[Read the BBB's press release announcing the updates.](#)

## Collecting Zip Codes for NJ Gift Cards? Fuhgeddaboutit

February 5 was a good day for gift card marketers and retailers in New Jersey, write Venable attorneys **Melissa Landau Steinman** and **Matthew R. Rabinowitz** in a recent post to Venable's advertising law blog. That is the day Governor Chris Christie signed NJ S-2235 into law. The bill repealed the address collection requirements included in the state's 2010 gift card law. The requirements, which would have created onerous record-keeping burdens for gift card marketers and retailers, led many companies to pull their gift cards from the state and it set off years of legal and legislative wrangling. To paraphrase another larger-than-life Republican governor, the signing of S-2235 means it's morning in New Jersey, at least for the gift card industry.

Read the full text of the blog post to [learn more about new law's impact on New Jersey retailers and gift card marketers](#).

[Read the full text of NJ-S 2235 here.](#)

## Surprisingly, the FTC Doesn't Win Them All

Over the past several years, the FTC has been increasingly aggressive in pursuing a perceived wrong-

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## 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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doing and has had a fair amount of courtroom success in those efforts, writes Venable partner **Leonard L. Gordon** in a post to Venable's advertising law blog. Though it may seem like the FTC always wins, he writes, that's not the case. Gordon points to a case in late 2014 where the FTC suffered a rare denial of a motion for a preliminary injunction involving a company selling Bitcoin mining machines. The decision, he writes, contains some useful nuggets those engaged with the FTC may want to mine.

Read the full text of the blog post to [learn how the \*BF Labs\* decision could hold valuable lessons for future FTC litigation.](#)

[Read the text of the Court's Order in \*BF Labs\*.](#)

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## Upcoming Events:

**"The Future of Self-Regulation for the Lead Generation Market" at LeadsCon 2015 – Las Vegas, NV**  
March 4, 2015 | 1:30 - 2:10 p.m. PT

Venable's **Jonathan L. Pompan**, CFPB Task Force Co-Chair and Partner, will participate in "The Future of Self-Regulation for the Lead Generation Market" at LeadsCon 2015.

Tired of the crackdown by the FTC, CFPB, and state Attorneys General and regulation that is raising costs and limiting access to the marketplace? Learn about ways to develop industry standards and guidelines and opportunities to use independent, transparent oversight to promote compliant lead generation activities to ensure consumer confidence. Regulation and enforcement can be costly, so a well-constructed and active self-regulatory program can help companies save money, preserve markets, and avoid overregulation by government.

For more information, please [visit the LeadsCon website.](#)

**"Irreparable Harm in Lanham Act False Advertising Cases: A New Legal Frontier"**  
March 6, 2015 | 12:00 - 1:00 p.m. ET

Join Venable partner **Roger A. Colaizzi**, one of the panel members on this teleseminar presented by the ABA Section of Antitrust Law Consumer Protection and Advertising Disputes & Litigation Committees. The panelists will discuss the status of "irreparable harm" in Lanham Act false advertising cases. Recent cases have suggested that courts no longer will "presume" irreparable harm in Lanham Act false advertising cases. This is an important issue in the Lanham Act false advertising practice, and the panel discussion is sure to be a lively one.

[Click here for more details and to register for the teleseminar.](#)

**Merchant Acquirers' Committee (MAC) Annual Conference 2015 – Las Vegas, NV**  
March 11 | 9:40 - 10:25 a.m. PT

Venable partner **Ellen T. Berge** and other members of MAC's Government Relations Committee will provide an update on the hottest issues in Washington affecting the acquiring industry today. As regulatory, legislative, and law enforcement trends in Washington continue to focus on consumer protection, is "Operation Choke Point" really in our rear view mirror, or should we still be concerned about government scrutiny of our risk management practices. What does all the current hype about cybersecurity and data protection mean for our industry? Which federal agencies are most interested in our businesses? What legislative proposals and regulatory rulemakings are on the horizon? Get the answers to these and other questions plus our outlook for the rest of 2015.

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

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Visit Venable's advertising law blog at [www.allaboutadvertisinglaw.com](http://www.allaboutadvertisinglaw.com).

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