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202.344.4488**Announcement:**

Join Venable at the Second Annual NY Advertising Law Symposium

Please join Venable's advertising lawyers at the Princeton Club in New York on April 29 for a full-day symposium focused on the challenges and opportunities advertisers face as they grow their brands. Hear from seasoned litigators and top representatives from key regulatory enforcement bodies, including the National Advertising Division (NAD) of the Advertising Self-Regulatory Council (ASRC) and the Office of the Attorney General of the State of New York. Interact with advertising and marketing executives from ABC, Inc., NBC Universal, and Verizon Wireless.

This MCLE-accredited program promises to be a stimulating educational forum to exchange ideas, engage in strategic thinking, and network with regulatory insiders and top advertising law thought leaders.

[Click here for more information and to register for this complimentary Venable event.](#)

Analysis:

FTC Jurisdiction Extends to You, Judge Tells AT&T

Last week, a federal judge in the Northern District of California denied a motion to dismiss filed by AT&T in a lawsuit brought by the Federal Trade Commission (FTC). The suit addressed AT&T's throttling of data for users on "unlimited" plans, write Venable attorneys [Eric S. Berman](#) and [Shahin O. Rothermel](#) in a recent post to the firm's advertising law blog. In the motion, AT&T claimed that it is exempt from FTC jurisdiction because it is regulated as a common carrier under the Communications Act. The district court judge curbed the argument, finding that the common carrier exemption applies only where the entity has both the status of a common carrier and actually is engaging in common carrier activity.

The judge's ruling, Berman and Rothermel write, should be of interest not only to telecommunications companies, but also to other organizations that are generally considered exempt from FTC jurisdiction such as banks, savings and loan institutions, air carriers, and non-profit corporations.

Read the blog post to [learn more about the judge's decision and why some organizations that have traditionally operated beyond the reach of the FTC should take note.](#)

[Read the judge's order denying the motion to dismiss.](#)

FTC Shines High Beams on Warranty Claims

A recent FTC settlement serves as a good reminder that companies should take a fresh look at their warranties to ensure compliance with the Magnuson-Moss Warranty Act (the Act), write Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) in a recent post to the firm's advertising law blog.

In the matter, BMW ran afoul of the Act by offering a 4-year or 50,000-mile warranty that allegedly violated the anti-tying provision of the Act that says a warranty cannot be contingent on the customer using a

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Honors and Awards

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Top ranked in *Chambers USA* 2014



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marketer's own parts and service offerings unless those parts and services are provided for free.

The Act has a number of highly technical requirements and the FTC has had a renewed focus on warranty compliance recently. The authors write that now is a good time for companies offering warranties to proactively perform compliance reviews of their warranties and warranty marketing practices to mitigate the risk of government enforcement and consumer class actions.

Read the full text of the blog to [learn more about the BMW settlement and Magnuson-Moss compliance](#).

[Read the FTC's press release about the BMW settlement.](#)

Maybe it Doesn't Take Two to Tango

For years, the FTC has requiring marketers to settle FTC cases by entering into consent decrees providing that future health-related advertising claims be substantiated with two randomized controlled clinical trials (RCTs), write Venable partners [Leonard L. Gordon](#), [Gregory J. Sater](#), and [Randal M. Shaheen](#) in the March issue of *Response Magazine*.

When faced with this option, POM Wonderful fought the FTC all the way to the D.C. Circuit Court of Appeals. In January, the court agreed with the FTC that POM had violated the FTC Act by making deceptive claims. However, it also disagreed with the FTC that POM would need two RCTs to substantiate claims in the future.

The authors write that it is possible that the court's opinion in this case will influence the FTC to move away from the agency's onerous two-RCT approach, but only time will tell.

Read the full text of the column to [learn more about how the Court deconstructed the FTC's two-RCT standard in the POM case](#).

[Read the Court's POM Wonderful decision here.](#)

Time to Start Thinking About Political Law Compliance

As the field of 2016 presidential candidates begins to grow, there is no mistaking that election season is upon us again. That means it is a good time to start thinking about campaign compliance if your business engages in lobbying, has a Political Action Committee (PAC), or will likely contribute to a political candidate. Venable partners [Ronald M. Jacobs](#) and [Lawrence H. Norton](#) have prepared a brief primer on compliance during the 2016 election cycle.

Flip through the presentation to [learn what businesses need to know about PACs, hosting candidate events, and contributions at the state level](#).

Events:

[Inside 3D Printing New York Conference and Expo](#)

April 15-17, 2015, New York, NY

The Inside 3D Printing Conference and Expo is the largest professional 3D printing event worldwide. The conference addresses new opportunities and challenges for industrial and consumer 3D printing efforts. Venable attorneys [Claudia A. Lewis](#), [Justin E. Pierce](#), and [Heili Kim](#) will share best practices on how to navigate business and regulatory hurdles and use intellectual property to take a 3D product to market.

[Click here to learn more about Inside 3D Printing and to register to attend.](#)

[Response Expo](#)

April 21-23, 2015, San Diego, CA

Response Expo is the must-attend event for businesses and marketing professionals that currently engage in, or are looking to learn more about the benefits of, direct, digital, and data-driven marketing. With a

diverse attendee base among the 3,300 elite players who regularly attend Response Expo, you're sure to connect with other leaders in the vibrant, business-focused setting.

[Click here to learn more about Response Expo and to register to attend.](#)

The Practitioner Channel Forum

April 22-24, 2015, San Diego, CA

The Practitioner Channel Forum is an annual executive gathering focused on strategies to capitalize on the rapidly expanding healthcare practitioner market for dietary supplements, nutraceuticals, medical foods, and natural products.

[Click here for more information and to register.](#) Use code "**CRN200**" to receive a \$200 discount.

Advertising Law Symposium New York

April 29, 2015, The Princeton Club, New York, NY

Join Venable's advertising lawyers for a full-day symposium focused on the challenges and opportunities advertisers face as they grow their valuable brands. Companies are turning to cutting edge or comparative claims, native advertising, social and digital media, celebrity endorsements, and other creative channels to engage with consumers, build brand awareness, and drive the bottom line. However, these efforts can just as quickly turn into a legal quagmire, with competitor or class action litigation or regulatory investigations all threatening to undo your hard-earned marketplace success.

Hear from seasoned litigators and top representatives from key regulatory enforcement bodies, including the National Advertising Division (NAD) of the Advertising Self-Regulatory Council (ASRC) and the Office of the Attorney General of the State of New York. Interact with advertising and marketing executives from ABC, Inc., NBC Universal, and Verizon Wireless.

This invitation-only, MCLE-accredited program promises to be a stimulating educational forum to exchange ideas, engage in strategic thinking, and network with regulatory insiders and top advertising law thought leaders.

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Visit Venable's advertising law blog at www.allaboutadvertisinglaw.com.

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