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Honors and Awards

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News**CALM Act Rules Turn Down the Volume on Commercials**

This week the Federal Communications Commission enacted regulations that implement the provisions of the Commercial Advertisement Loudness Mitigation Act, which was passed last year by Congress. Under the new rules, which take effect on December 13, 2012, advertisements cannot be louder than the programming surrounding them.

"TV commercials, such as those for OxiClean, ShamWow!, HeadOn and the like, will never be the same," Commissioner Robert McDowell said before the 4-0 vote. "Family rooms across America might be a little less noisy."

[Go here](#) to read Bloomberg's coverage of the rulemaking.

[Go here](#) to read the statement of FCC Commissioner Mignon Clyburn about the implementation of the CALM Act.

Mobile Marketing Association Unveils Standard Sizes for Mobile Ads

On Wednesday, the Mobile Marketing Association (MMA) unveiled specifications that create six standard ad sizes for mobile marketers. MMA analyzed more than 150 billion ad impressions before settling on the standard sizes, collectively known as "MMA Universal Mobile Ad Package v.2.0." Interested parties have 30 days to comment on the suggested specifications. After the standards are finalized next month, publishers and ad networks will have until March of 2012 to become compliant.

[Go here](#) to read the Mobile Marketing Association's press release.

Advocacy Group Targets Webkinz with COPPA Complaint

Webkinz, the marketer of a popular children's toy, has been targeted by The Campaign for a Commercial-Free Childhood (CCFC) for alleged violations of the Children's Online Privacy Protection Act (COPPA). COPPA prohibits the online collection and use of children's personal information. On Tuesday, CCFC filed a complaint with the Federal Trade Commission (FTC) alleging that:

- Webkinz does not feature a link to its privacy policy on its home page.
- Webkinz asks children to provide information such as their first name, date of birth and gender.
- Webkinz uses software to track children as they move through the Webkinz World site; and
- the company allows third parties to track children's activities for behavioral advertising purposes.

[Go here](#) to read coverage of the complaint by the *LA Times*' "Company Town" Blog.

[Go here](#) to read CCFC's complaint.

Court Sides with FTC in Lane Labs Contempt Case

On Wednesday, a Federal Judge in New Jersey agreed with the FTC that dietary supplement marketer Lane Labs and the company's founder were in contempt of a 2000 court order barring the company from making deceptive health claims.

In 2007, the FTC filed contempt charges against the company because of claims Lane Labs made about a calcium supplement marketed by the company. The District Court originally denied the FTC's contempt motion, but an October 2010 Third Circuit ruling overturned that ruling.

[Go here](#) to read the FTC's press release about the case.



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FTC Wins Trudeau Case in Seventh Circuit

In a recent post to the FTC's "Business Center" Blog, FTC attorney Lesley Fair analyzed the Seventh Circuit's recent decision in *FTC v. Trudeau*. The court affirmed a \$37.6 million judgment against Trudeau for violating a previous settlement with the FTC by misrepresenting the content of his book, *The Weight Loss Cure "They" Don't Want You To Know About*. The Seventh Circuit had previously remanded the case and asked the lower court to explain its calculation of the judgment. In its recent decision, the Seventh Circuit concurred with the lower court, agreeing that it was appropriate to calculate the judgment based on the amount of consumer loss instead of the amount of Trudeau's unjust enrichment.

The Circuit Court also dismissed Trudeau's argument that the lower court's ruling violated his First Amendment right to engage in commercial speech by requiring him to post a two million dollar bond before participating in any infomercial. The Circuit court noted "misleading commercial speech gets no Constitutional protection," and that "The government is not impotent to protect consumers – nor is the court powerless to enforce its orders – by imposing narrowly tailored restrictions on commercial speech."

[Go here](#) to read Fair's post on the FTC's Business Center Blog.

[Go here](#) to read the Seventh Circuit's opinion.

Upcoming Events

[Affiliate Summit West – Las Vegas](#)

January 9, 2012

Visit Venable during the Meeting Market at Affiliate Summit West, and join us for a presentation by [Thomas A. Cohn](#) on *Affiliates Under Fire: Next Steps and Best Practices*.

[ACI's Advertising Law Conference – New York](#)

January 23-24, 2012

Venable is a proud sponsor of this conference, join us for a presentation by [Roger A. Colaizzi](#) on *Battle of the Brands: Resolving Disputes Involving Competitor's Comparative Claims*.

[ACI's Consumer Finance Class Actions & Litigation – New York](#)

January 26-27, 2012

Venable is a proud sponsor of this conference, join us for a presentation by [Thomas E. Gilbertsen](#) on *Dodd-Frank & the CFPB: A Look into Today's Most Important Issues, the Status of the Bureau and Which Regulations Will Most Impact Consumer Finance Institutions & Litigators in the Next Year*.

[PLI's Green Technology Law and Business 2012 Conference – New York \(webinar\)](#)

February 24, 2012

[Thomas A. Cohn](#) will discuss the FTC's Revised Green Guides & FTC Enforcement.

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