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**Honors and Awards**

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 Advertising, *U.S. News and World*

**News****Cordray Outlines CFPB's 2013 Agenda**

According to a story published by the *Blog of the Legal Times*, Consumer Financial Protection Bureau (CFPB) Director Richard Cordray outlined the agency's priorities for the current year during an agency consumer advisory board meeting held February 20. Among the agency's priorities are combatting the deceptive marketing of financial products and services; ensuring equal access to credit; and examining practices in the loan servicing, credit reporting, and debt collection industries.

According to the blog, two consumer attorneys also raised questions about mandatory arbitration clauses in financial services contracts. The CFPB is currently conducting a study on such clauses, the blog noted.

[Click here](#) to read the full text of the blog post.

**Analysis****"It's My Trademark" No Defense in NAD False Advertising Challenge**

The National Advertising Division of the Council of Better Business Bureaus (NAD) recently reiterated that a claim is a claim and, even if registered and promoted as a trademark, still must be supported by adequate substantiation, write Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) in a recent post to Venable's advertising law blog, [www.allaboutadvertisinglaw.com](http://www.allaboutadvertisinglaw.com).

In this case, Reckitt Benkiser, maker of Finish, challenged claims made by Environcon Technologies' Lemi Shine. Both products assist with rinsing in dishwashers. Lemi Shine had trademarked its catchphrase "Outshines the Competition." The label also called out the product as "the only thing that works." In its decision, NAD viewed "the only thing that works" not as a puffery but as a direct comparative performance claim that required proof. Similarly, NAD viewed the "outshines competition" claim as an objectively provable superiority performance claim that was unsubstantiated, regardless of being trademarked. The lesson for marketers, write Mudge and Shaheen, is to step back and review claims on packaging through the lens of overall impression. NAD is unlikely to read particular phrases on a label without reference to other statements made on the same piece of marketing real estate.

[Click here](#) to read the full text of the blog post, which contains more detail and provides good news for marketers about the apparent softening of NAD's stance on "natural" claims.

**This Just In: FTC Has Big Plans for 2013**

In the February edition of *Electronic Retailer*, Venable partners [Jeffrey D. Knowles](#) and [Leonard L. Gordon](#) outline some predictions about the Federal Trade Commission (FTC) for the year ahead. One of their predictions, the departure of FTC Chairman Jon Leibowitz, has happened. It is a safe bet that the pair's predictions of increased cross-agency coordination, use of warning letters, and filing of contempt actions against companies not complying with consent orders will also prove prescient.

[Click here](#) to read the column and learn what marketing practices Knowles and Gordon believe are in the FTC's crosshairs.



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## Upcoming Events

### [Electronic Retailing Association Great Ideas Summit - Miami](#)

February 25-27, 2013

Venable is proud to sponsor the VIP Reception of ERA's Great Ideas Summit 2013. Also, please join Venable partner [Jeffrey D. Knowles](#) as he presents the educational session "Up, Down and Sideways - How Enforcement Actions Traverse the Value Chain" on Tuesday, February 26. Meet the attorneys of [Venable's Advertising and Marketing Group](#) on the show floor at booth #304.

[Click here](#) to learn more about ERA GIS 2013 and register.

### ["Is There a One Size Fits All Reasonable Person Standard? U.S. and Canadian Perspectives on Ad Interpretation" - webinar](#)

March 1, 2013

Everything in U.S. advertising law starts with how a reasonable consumer, acting reasonably under the circumstances, would understand an ad. Whether U.S. courts already are adopting the new Canadian idea of a credulous, helpless consumer and whether the FTC or CFPB might do the same is worthy of discussion. This panel is presented by the American Bar Association Antitrust Section, Private Advertising Litigation, Consumer Protection & Privacy, and Information Security Committees as well as the Marketing Practices Committee of the Canadian Bar Association. Venable attorney [David D. Conway](#) will moderate the discussion. This panel is free and open to all.

[Click here](#) to register.

### [International Home + Housewares Show - Chicago](#)

March 2-5, 2013

The International Home + Housewares Show offers you the opportunity to see first-hand consumer lifestyle and product trends for all areas of the home, both inside and out, under one roof. Venable partner [Randal M. Shaheen](#) will host a representative from a big-box retailer and a recycling-management executive to present "How to Make Green by Being Green and Staying Clear of the FTC." Join us and learn how to green your business – in more ways than one.

[Click here](#) to register for Housewares.

Venable is a sponsor of the [DRMA Chicago Networking Bash](#), which occurs during the Housewares show, on March 4. Please join our attorneys for an evening of networking with direct-to-consumer professionals.

### [Engredea, Natural Products Expo West and Nutracon - Anaheim, CA](#)

March 6-10, 2013

Venable is a proud sponsor of this conference, which brings together the community of leading suppliers and manufacturers to source new ingredients, packaging, technologies, equipment, and services in the global nutrition industry. Venable partner [Todd A. Harrison](#) will speak about the regulatory issues of marketing omega-3 products at the Nutracon conference on March 6. Venable partner [Claudia A. Lewis](#) will speak on medical foods at Engredea on March 9. Come see us on the Engredea show floor at booth #355.

[Click here](#) to register.

### [International Association of Privacy Professionals Global Summit 2013 - Washington, DC](#)

March 6-8, 2013

Venable is a sponsor of this conference which hosts more than 1000 privacy professionals from across the globe. Venable partner [Stuart P. Ingis](#) will speak on a panel addressing Do Not Track. Please visit Venable on the show floor at booth #7.

[Click here](#) to register.

### [2013 Association of National Advertisers Advertising Law and Public Policy Conference - Washington, DC](#)

March 19-20, 2013

Venable is proud to sponsor this conference and to host a cocktail reception honoring women in advertising on Tuesday, March 19. Venable partner [Amy Ralph Mudge](#) will moderate a thought-provoking panel entitled "Have Women In Advertising Really Come a Long Way, Baby?" The panel will discuss images of women in advertising in traditional as well as new media, and whether those idealized images should provoke self-regulation or even government enforcement.

[Click here](#) to register.

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

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