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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*
2013

Enjoy the Thanksgiving Holiday

Venable's *Advertising Law News and Analysis* will not publish next week because of the Thanksgiving holiday. All of us at Venable wish you and yours a happy and safe Thanksgiving. We look forward to returning to your inbox on December 5.

News

FTC Announces Agenda for Native Advertising Workshop

Earlier this week, the Federal Trade Commission (FTC) announced the agenda for its upcoming workshop on so-called "native advertising," titled "Blurred Lines: Advertising or Content?" The December 4 workshop will assemble interested stakeholders to explore how publishers present sponsored online content to consumers, how consumers identify and understand such content, and how to differentiate sponsored content from editorial content. Venable partner **Amy Ralph Mudge** will participate on an afternoon panel at the workshop.

[Click here](#) to read the FTC's press release announcing the workshop.

[Click here](#) to view the workshop's agenda.

FTC Enforcement Action Puts Service Providers on Notice

On November 18, the FTC announced an enforcement action against payment processor Process America and its owners alleging that the defendants "knew or should have known" that some payments they processed for client Infusion Media, totaling more than \$15 million, had not been authorized by consumers. The takeaways for other businesses, writes FTC attorney Lesley Fair on the Commission's Business Center Blog, are that Section 5 of the FTC Act covers marketers as well as the companies enabling them to do business, and that the FTC has its eye on the payment processing industry.

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

[Click here](#) to read the FTC's press release about the Process America enforcement action.

Analysis

Advertisers Go Native, Regulators Take Notice

So-called "native advertising" is currently the hottest trend for large brands advertising directly to consumers, writes Venable partner **Jeffrey D. Knowles** in the November issue of *Response* magazine. Packaging marketing messages so that they closely resemble the editorial content is not new, he says, but the power of such advertising in online and mobile channels has captured the attention of both marketers and regulators. In the article, Knowles discusses recent National Advertising Division (NAD) decisions addressing the practice as well as the FTC's upcoming workshop on native advertising.

[Click here](#) to read the full text of Knowles' article in the November edition of *Response*.



Top-Tier Firm *Legal 500*

For more information about Venable's award-winning Advertising and Marketing practice, please visit our website at www.Venable.com/Advertising-and-Marketing

Jurisdiction Is in the Eye of the Beholder, at Least at NAD

In the second in a series of blog posts about NAD procedural issues, Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) explore a recent case involving NAD's jurisdiction over discontinued advertising claims. Because NAD continues to interpret its rules broadly, Mudge and Shaheen write, advertisers should think long and hard before deciding to rely solely on a jurisdictional argument. It may make more sense to defend the claims on the merits, even if the marketer believes NAD lacks jurisdiction.

[Click here](#) to read the full text of the post by Mudge and Shaheen on Venable's advertising law blog, www.allaboutadvertisinglaw.com.

[Click here](#) to read NAD's press release about the decision analyzed in the blog post.

Food Manufacturers Prepare for Trans-Formation

With everything the Food and Drug Administration (FDA) has on its plate these days, it came as a surprise to many when the agency earlier this month issued a notice tentatively determining that partially hydrogenated oils, also known as "trans fats," are not generally recognized as safe (GRAS) for use in food. In a November 20 article published in *Food Processing*, Venable attorney [John G. Moore](#) provides analysis of the FDA's notice and discusses possible strategies for food companies that would like to have a say in the FDA's regulatory process.

[Click here](#) to read the full text of Moore's *Food Processing* article.

[Click here](#) to read the full text of the FDA's tentative determination, which was published in the *Federal Register*.

Upcoming Events

[ERA Network L.A. – Santa Monica, CA](#)

January 9, 2014

Venable is a proud sponsor of the Electronic Retailing Association's (ERA) Network L.A. reception. Access new direct-to-consumer marketing business contacts and join the who's who of the direct response industry for an evening of cocktails and power networking in an intimate and social atmosphere.

[Click here](#) to learn more and register.

[ACI's 3rd Advanced Summit on Food & Beverage Consumer Fraud Litigation – San Francisco, CA](#)

January 28, 2014

Venable partner [Todd A. Harrison](#) will present "Minimizing the Risk of 'Piggy Back' Class Actions Post-FDA and FTC Warning Letters and Enforcement Actions" at the American Conference Institute's 3rd Advanced Summit on Food & Beverage Consumer Fraud Litigation. Learn strategies to avoid warning letters, what can trigger negative attention from the government, how to craft a response to a government warning letter without creating a litigation roadmap, and more.

[Click here](#) to learn more and register.

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