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**Honors and Awards**

Law Firm of the Year, National Advertising, *U.S. News and World Report*, 2012 and 2014

**News**

## Venable's Product Liability Practice Group Shortlisted for *Chambers USA* Awards for Excellence

Venable announced this week that the firm's **Product Liability Practice Group** has been shortlisted for the coveted *Chambers USA* Award for Excellence. Each year, *Chambers USA*, one of the nation's leading guides to law firms and attorneys, presents the Awards for Excellence at the conclusion of its annual research process. The Award recognizes the one firm performing the most cutting-edge legal work in a specific area of law.

Venable has one of the most active and respected product liability practices in the United States and is particularly well known for its defense of pharmaceutical and medical device manufacturers. The Group is currently involved in approximately 6,000 pharmaceutical and medical device products liability cases nationwide and serves as lead counsel for pharmaceutical and medical device manufacturers in federal multidistrict litigation and state court coordinated proceedings in Arkansas, California, Minnesota, New Jersey, Pennsylvania, and New York. The Group has also assisted pharmaceutical clients in defending against products liability claims in Australia, Brazil, Canada, Ecuador, Hungary, New Zealand, Spain, and the United Kingdom; and in responding to investigations by the United States Senate and United States Department of Justice.

Venable has had a long and successful history with the *Chambers USA* Award for Excellence. The firm's **Privacy and Data Security Group** was shortlisted for the award in 2008 and won it in 2009. For four consecutive years from 2010 to 2013, Venable's **Advertising and Marketing Group** was shortlisted for the award, and won it in 2010 and 2011. *Chambers* retired the Privacy category in 2009. The Advertising category was retired this year.

[Click here](#) to read Venable's press release announcing the shortlisting of the Products Liability Group.

[Click here](#) to view the full list of categories and firms shortlisted for this year's awards.

## FTC Updates Energy Labeling Rule

The FTC last week announced changes to the Energy Labeling Rule that will harmonize its television testing and reporting requirements with new Department of Energy (DOE) procedures for testing those appliances. The change to the FTC rule mirrors other changes to the Energy Labeling Rule over the past few years to ensure the FTC's requirements are consistent with DOE's.

[Click here](#) to read the FTC's press release and access the full text of the revised rule.

**Analysis**

## FTC Gives Cole Haan Pinterest Promotion the Boot

The Federal Trade Commission's (FTC) March 20 closing letter to fashion marketer Cole Haan will affect all types of advertisers and their social media advertising, write Venable attorneys **Melissa Landau Steinman** and **Maura A. Marcheski** in a recent post to Venable's advertising law blog. The FTC took issue with Cole Haan's "Wandering Sole" Pinterest contest, which entered consumers into a contest in exchange for posting content featuring the #WanderingSole hashtag.

The Commission was concerned because requiring consumers to post content in exchange for a contest



Top ranked in *Chambers USA* 2013



Top-Tier Firm *Legal 500*

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entry created a "material connection" between the company and participant, but Cole Haan did not require participants to disclose that they had posted the pins in order to enter a contest. Steinman and Marcheski write that advertisers encouraging followers to share content on social media using hashtags to earn a chance to win should think carefully about what those hashtags say. Advertisers should also consider the disclosures required from entrants, they write.

[Click here](#) to learn more about the FTC's letter and how Cole Haan revised its social media policy to address the commission's concerns.

[Click here](#) to read the FTC's closing matter in the Cole Haan case.

## Major Class Action Victory for *POM* Decertifies Previous Class

An important ruling on March 25 could have wide-ranging (and thankfully positive) repercussions for marketers who face class actions in California and around the United States, write Venable attorneys [Gregory J. Sater](#), [Daniel S. Silverman](#), and [Bety Javidzad](#) in the April edition of the *DRMA Voice*. In that case, a federal court judge in Los Angeles de-certified a previously certified nationwide class of consumers in a long-pending false advertising case seeking \$450 million in damages for claims that pomegranate marketer POM Wonderful wrongfully exaggerated the health benefits of its pomegranate juice drinks.

[Click here](#) to learn why the decision is sure to provide additional ammunition for companies battling class actions.

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## Upcoming Events

### [ANA Advertising Law & Public Policy Conference – Washington, DC](#)

April 23-24, 2014

Venable is a proud sponsor of the Association of National Advertisers' Advertising Law and Public Policy Conference. This two-day program convenes regulators who influence the legal and political climate for advertising and marketing, as well as top legal professionals and marketers, to share the latest insights on how to succeed in the modern media world. Venable partner [Amy Ralph Mudge](#) will speak on the panel "What's Next on Native Advertising?" on Wednesday, April 23 at 3:35 p.m. ET. This panel will explore native advertising issues beyond the "to disclose or not to disclose" questions and best practices to avoid enforcement.

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

### [Response Expo – San Diego, CA](#)

April 29-May 1, 2014

Please join Venable at the Response Expo 2014, which brings together key decision-makers and industry leaders from the corporate marketing arena and direct response spectrum. Visit us at **booth #212** and meet attorneys in our [Advertising and Marketing Practice Group](#). Also, be sure to join us at the "Venable Justice League" networking reception on Wednesday, April 30 from 4:30 - 6:00 p.m. PT on the Aqua Patio.

To obtain a complimentary show floor pass that will allow you access to the expo as a Venable guest, [click here](#) and register using the promotion code **EXH2014**.

[Click here](#) to learn more.

### [CARU West Coast Conference 2014 – Los Angeles, CA](#)

May 6-7, 2014

The fourth annual Children's Advertising Review Unit (CARU) West Coast Conference boasts practical information to enhance legal professionals' and marketers' ability to navigate CARU's Self-Regulatory Program for children's advertising. Venable partner [Gregory J. Sater](#) will present "Hot Button Roundup: Advanced Claim Substantiation, Sensitive Issues, and Special Considerations for Advertising and Marketing Within CARU Guidelines" on Wednesday, May 7 at 2:15 pm PT. Join him for an advanced discussion on complying with advertising guidelines with an eye towards optimizing creativity.

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

### **ERSP 10th Anniversary and ERA Government Affairs Fly-in – Washington, DC**

May 20-21, 2014

Venable is a proud sponsor of the Electronic Retailing Self-Regulation Program's (ERSP) 10th anniversary program celebrating a decade of self-regulation. On Tuesday, May 20, Venable partner [Jeffrey D. Knowles](#) will present "Broadening the Scope: Self-Regulation in the Telemarketing Industry and Beyond" as part of an afternoon of panel discussions on advertising self-regulation in the direct response industry. Venable is also a sponsor of the ERA Government Affairs Fly-in on May 21, which brings together direct retailing industry leaders to discuss the current political landscape and what to expect in the year ahead.

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

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[Click here](#) to subscribe to Venable's Advertising and Marketing RSS feed and receive the Venable team's insight and analysis as soon as it is posted.

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

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