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Honors and Awards

Top ranked in *Chambers USA*
2013



Law Firm of the Year, National
Advertising, *U.S. News and
World Report*, 2011-2012

News

Florida Settlement Tightens Up Face Lift Advertising

On June 17, Florida Attorney General Pam Bondi announced that her office has reached a settlement with Lifestyle Lift Holding, Inc. to settle allegations surrounding the accuracy and fairness of the company's advertising claims. The company, which bills itself as the largest private practice of board-certified plastic and facial plastic doctors in the U.S., advertises its services via multi-channel, direct-to-consumer advertising. Since 2001, Lifestyle Lift doctors have performed approximately 170,000 surgical and nonsurgical facial rejuvenation procedures.

Under the Florida settlement, Lifestyle Lift must:

- Maintain necessary disclaimer language on the company's websites in a clear and conspicuous manner;
- Clearly and conspicuously state what facial rejuvenation services were performed on models appearing in its marketing materials;
- Clearly and conspicuously disclose if a model has been compensated or has a material connection to the company if the model speaks or a quote is attributed to the model in the advertisement;
- Comply with the FTC's *Guides Concerning the Use of Endorsements and Testimonials in Advertising*, with regard to the use of before and after photographs of models in marketing materials; and
- Cease using the term "revolutionary procedure" to describe the basic Lifestyle Lift surgical procedure.

The settlement also dictates that Florida consumers who meet certain criteria are eligible to have deposits and any prepaid fees paid to Lifestyle Lift refunded.

[Click here](#) to read the Florida AG's announcement of the settlement and access the full text of the settlement.

Analysis

Chairwoman Ramirez Names FTC Veteran as New Consumer Protection Bureau Director

On June 17, Federal Trade Commission (FTC) Chairwoman Edith Ramirez named Jessica Rich as Director of the FTC's Bureau of Consumer Protection (BCP). In a recent post to Venable's advertising law blog providing analysis of the appointments announced earlier this week, Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#), and summer associate John Mavretich*, write that Rich is no stranger to the FTC. In fact, she has served in a variety of leadership roles at the Commission for the past decade.

Rich has handled the development of numerous FTC rules, including the 2000 Children's Online Privacy Protection Act Rule (COPPA), and she oversaw the FTC's Behavioral Advertising initiative, including development of its Behavioral Advertising Principles and report.

According to a June 17 *Adweek* story, many advertisers do not expect much difference between Rich and previous BCP Director David Vladeck, who pursued several high-profile deceptive advertising cases.

"I wouldn't be surprised if she maintained some of the Vladeck spirit," Mudge told *Adweek*. "I don't expect we'll see a significant change in priorities."

[Click here](#) to learn more about Rich's background and to access the FTC press release announcing



Top-Tier Firm *Legal 500*



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several other recent appointments at the FTC.

[Click here](#) to read the *Adweek* story about Rich's appointment.

*John Mavretich is a Venable summer associate and is not admitted to practice law.

Artisanal Labeling: Grounds for a Lovingly Crafted Lawsuit?

Consumer class action lawsuits targeting food companies using the term "natural" have proliferated over the past 18 months, write Venable partners [Amy Ralph Mudge](#) and [Randal M. Shaheen](#) in a recent post to Venable's advertising law blog, www.allaboutadvertisinglaw.com.

In the post, they wonder whether the new food marketing term *du jour*, "artisanal," is poised to become the next "natural." Mudge and Shaheen point to the growth in the billion-plus-dollar artisanal products industry as one reason plaintiffs' attorneys may be interested in such claims.

They also examine whether, in some examples, the term is being used in a misleading way, and question whether consumers really believe that large, multi-national companies using "artisanal" claims are actually handcrafting products.

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

Supreme Court Breathes a Little Life into Class Arbitration

The relationship between class actions and arbitration has been a recurrent issue at the Supreme Court in recent years, write Venable attorneys [Edward P. Boyle](#) and [David N. Cinotti](#) in a recent post to Venable's advertising law blog. The Supreme Court, they write, has appeared to substantially limit consumers' ability to bring class actions in court against defendants with which they have an arbitration agreement. It has also limited the ability to bring class arbitrations when the arbitration agreement does not expressly provide for class claims. Boyle and Cinotti dissect two cases, *Stolt-Nielsen S.A. v. Animal Feeds International Corp.* and *Oxford Health Plans LLC v. Sutter*, to illustrate this trend and provide thoughts on the likely strategies that plaintiffs and defendants will pursue in such cases after the *Oxford Health* decision.

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

Upcoming Events

[ERA's HomeShopping Conference 2013 - Rome](#)

June 23-25, 2013

Whether you use the power of direct response to sell goods and services on television, online or in the mobile/wireless world, the ERA European HomeShopping Conference is the place where you will find a truly global representation of people from within the industry. Venable partner [Claudia A. Lewis](#) will present a transactional and regulatory update that will provide inside views and information for product marketers who want to do business in the United States.

[Click here](#) to learn more.

[ACI's Legal, Regulatory and Compliance Forum on Dietary Supplements - New York](#)

June 26-27, 2013

Recent changes in Congress and at the FDA have presented the dietary supplements industry with a whole new set of challenges. Make sense of these developments and their potential impact on existing legal and regulatory structures affecting dietary supplements at the only legal and regulatory gathering designed for the dietary supplement industry. Venable of counsel [Michelle C. Jackson](#) will present best practices for reporting adverse events for dietary supplements. Venable partner [David G. Adams](#) will moderate a panel discussion on claim substantiation and risk mitigation in dietary supplement advertising and promotion.

[Click here](#) to learn more.

[ACI's Advanced Regulatory and Compliance Summit on Food and Beverage Marketing & Advertising - Washington, DC](#)

July 16-18, 2013

At the third Advanced Regulatory and Compliance Summit, gain practical knowledge about meeting SSA standards, labeling challenges for energy and caffeine drinks, COPPA reform, and how to maintain the

delicate balance of marketing to children amid the obesity epidemic. Venable partner [Todd A. Harrison](#) will present on best labeling practices amid the rise of safety concerns and increased Congressional scrutiny.

[Click here](#) to learn more.

NBJ Summit 2013 - Dana Point, CA

July 23-26, 2013

Bringing together nutrition industry leaders and influential power brokers, the 16th Annual NBJ Summit is the premier leadership event for strategic thinking and discussion on the progress, opportunities, and challenges facing the industry. Venable partner [Todd A. Harrison](#) will serve as a panelist on the state of the industry -- revealing consumer insights, emerging retail product trends, strategic industry issues and proprietary market data. In addition, Venable partner [Claudia A. Lewis](#) will join a panel to discuss the value of science and return on investment in the U.S. medical foods segment.

[Click here](#) to learn more.

[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.

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