

AGENDA

Thursday, January 25, 2007

- 8:00** Registration
- 9:00** Welcoming Remarks: *Lydia Parnes*, Director, Bureau of Consumer Protection, FTC
- 9:15** An Overview of FTC's Enforcement Actions Concerning Negative Option Marketing and Recent Trends, *Gregory A. Ashe*, Attorney, Division of Enforcement, FTC
- 9:30** Industry Self-Regulation, *Barbara Tulipane*, President and CEO, Electronic Retailing Association
- 9:45** Break

10:15 **Panel 1: The Pros and Cons of Offers with Negative Option Features**

Presentations discussing the benefits and costs of offers with negative option features for business and consumers and how consumers interpret or misinterpret such offers.

Panelists:

- *Avery W. Katz*, Milton Handler Professor of Law and Vice Dean, Columbia University School of Law
- *Robert Sherman*, Counsel, Direct Marketing Association
- *Rita Cohen*, Senior Vice President/Government Affairs, Magazine Publishers of America
- *Susan Grant*, Vice President for Public Policy, National Consumers League

Moderator:

- *Louis Silversin*, Economist, Bureau of Economics, FTC

11:15 Break

11:30 **Panel 2: Analysis of Consumer Behavior Online**

Presentations regarding how consumers navigate online advertising, how contract terms and disclosures are being made in online advertising and what this research reveals about how to communicate effectively important offer terms to consumers.

Panelists:

- *Susannah Fox*, Associate Director, Pew Internet and American Life Project
- *Robert Hillman*, Edwin H. Woodruff Professor of Law, Cornell Law School
- *Jens Grossklags*, PhD Candidate, School of Information, University of California, Berkeley

Moderator:

- *Melinda Claybaugh*, Attorney, Division of Enforcement, FTC



12:30 Lunch

2:00 The "Clear and Conspicuous" Standard, *Lesley Fair*, Attorney, Division of Consumer and Business Education, FTC

2:15 **Panel 3: Application of the Clear and Conspicuous Standard to Online Offers with Negative Option Features**

A panel discussion of the FTC's clear and conspicuous standard for making disclosures in advertising, the application of this standard to offers containing a negative option feature and the particular challenges facing marketers to make negative option disclosures clear and conspicuous in online advertising.

Panelists:

- *Mariea Grubbs Hoy*, Professor, School of Advertising and Public Relations, University of Tennessee
- *Jerry Cerasale*, Senior Vice President, Government Affairs, Direct Marketing Association
- *Mark Huffman*, Contributing Editor, Consumer Affairs.com
- *Lesley Fair*, Attorney, Division of Consumer and Business Education, FTC

Moderator:

- *Robert Frisby*, Assistant Director, Division of Enforcement, FTC

3:00 Break

3:15 **Panel 4: Making Effective Disclosures in Negative Option Marketing Online**

A panel discussion on the best practices for making negative option disclosures clear and conspicuous but also compatible with the advertiser's message in online advertising. The session will focus on a mock ad based on a hypothetical product that includes a negative option feature. Panelists will present an ad for the product that incorporates the practices they believe an advertiser should follow when making negative option disclosures online.

Panelists:

- *Linda Goldstein*, Counsel, Electronic Retailing Association
- *Beau Brendler*, Director, Consumer Reports Web Watch

Discussants:

- *David Mallen*, Assistant Director for Legal Affairs, National Advertising Division, Council of Better Business Bureaus
- *Nathaniel Good*, PhD Candidate, School of Information, University of California, Berkeley

Moderator:

- *Robin Rosen Spector*, Attorney, Division of Enforcement, FTC

4:30 Conclusion of Workshop
