



Green Lights & Red Flags: FTC Rules of the Road for Advertisers

Tuesday, April 19, 2005

The William and Ida Friday Continuing Education Center
UNC-Chapel Hill, Chapel Hill, N.C.

Program Highlights include:

5.5 hours CLE credit

Special Issues for Online Advertisers

Substantiating Health and Safety Claims

Promotional Offers

Telemarketing and Do Not Call

Voluntary Self-Regulation



UNC

School of Journalism and
Mass Communication

School of Law

The Federal Trade Commission and state and national experts will gather in Chapel Hill for a one-day “back-to-basics” workshop about complying with truth-in-advertising laws.

Sponsored by the FTC, the UNC School of Journalism and Mass Communication and the UNC School of Law, ***Green Lights and Red Flags: FTC Rules of the Road for Advertising Law*** will feature an impressive roster of speakers, addressing the latest issues in advertising law.

More information at:

jomc.unc.edu/executiveeducation

Green Lights & Red Flags: FTC Rules of the Road for Advertising Law

Tuesday, April 19, 2005
Friday Center, UNC-Chapel Hill

9:00 a.m. Welcome

9:15 a.m. Advertising Law Basics

- Ad meaning
- Express vs. implied claims
- “Net impression” standard
- Endorsements
- Disclosures
- Liability issues and remedies

Lesley Fair

Senior Attorney
Bureau of Consumer Protection, FTC

10:00 a.m. Special Issues for Online Advertisers

- Dot.Com disclosures
- Spyware, online privacy and security
- COPPA enforcement
- Domain name issues

Cindy Liebes

Assistant Director
Southeast Region, FTC

Joyce Plyler

Womble Carlyle Sandridge & Rice, PLLC

11:00 a.m. Break

11:15 a.m. Substantiating Advertising Claims

- Substantiating health and safety claims under the FTC Act
- The FTC’s “competent and reliable evidence” standard
- Special considerations for health claims

Andrea Foster

Director
Southeast Region, FTC

Noon Luncheon

Trillium Room, Friday Center

1:15 p.m. Promotional Issues

- “Free” offers and rebates

- Telemarketing, Do Not Call
- Contests and sweepstakes
- Other state enforcement issues

Elaine Kolish

Director, Division of Enforcement
Bureau of Consumer Protection, FTC

Barbara Shaw

Assistant Attorney General
North Carolina Department of Justice

2:00 p.m. Hot Topics in Client Counseling

A “McLaughlin Group”-style panel discussion on client counseling issues, including best practices for predissemination review and risk assessment, issues related to commercial speech and *Nike v. Kasky*, and strategies for responding to FTC, state AG, and multistate investigations.

Lesley Fair

Bureau of Consumer Protection, FTC

Barbara Shaw

Assistant Attorney General
North Carolina Department of Justice

James Kaminski

Arent Fox PLLC

Moderator: Michael Hoefges

Assistant Professor, UNC-CH School of Journalism and Mass Communication

3:15 p.m. Break

3:30 p.m. Self-Regulation and Alternatives to Litigation

Annie Ugurlayan

National Advertising Division
Council of Better Business Bureaus, Inc.

John Villafranco

Collier Shannon Scott PLLC

4:30 p.m. Adjourn

Faculty

Lesley Fair is a senior attorney with the FTC's Bureau of Consumer Protection, where she has represented the Commission in numerous investigations of deceptive advertising. She specializes in the marketing of health-related and high-tech products in traditional media and online. Fair is a vice chair of the Consumer Protection Committee of the American Bar Association's Section of Antitrust Law and is a member of the State Bar of Texas and the District of Columbia Bar.

Andrea Foster is the southeast regional director for the FTC. She is responsible for managing an office covering a seven-state region and for reviewing and directing all work, including litigation, done by the regional office staff. Foster acts as the principal spokesperson for the region by giving speeches, interviews and testimony, including appearances on national and local television.

Michael Hoefges is an assistant professor in the School of Journalism and Mass Communication at UNC-Chapel Hill. He joined the faculty in 2003 and specializes in media law and advertising media strategy. His research interests include advertising law and regulation, class-action advertising campaigns and lawyer advertising, regulation of corporate communication, freedom of information and access law, and privacy issues in advertising and marketing contexts. Before joining the UNC-Chapel Hill faculty, he was on the faculties of the University of Tennessee at Knoxville and Trinity University in Texas. Prior to entering academia, Hoefges practiced law for eight years in Florida. He holds both J.D. (1985) and Ph.D. (1998) degrees from the University of Florida.

James Kaminski brings considerable knowledge of advertising and marketing law to clients of Arent Fox's Advertising and Trade Regulation Group. Kaminski advises clients on traditional advertising and marketing law, as well as its application online. He counsels clients on compliance involving the Federal Trade Commission Act, the CAN-SPAM Act, telemarketing regulations and privacy law. He reviews corporate advertising and marketing initiatives, both to ensure compliance with the law and to minimize potential liability.

Elaine Kolish is director of the FTC Bureau of Consumer Protection's Division of Enforcement, where she oversees compliance with more than a dozen statutes, regulations and guides, as well as administrative and district court orders in consumer protection matters. Kolish's responsibilities include the enforcement of the Mail or Telephone Order Merchandise Rule; the policy for "Made in USA" advertising claims; the Textile, Wool and Fur Acts; the Care Labeling Rule; Guides for the Use of Environmental Marketing Claims; the Unordered Merchandise Statute; and the Jewelry Guides.

Cindy Liebes has been with the Federal Trade Commission since 1986, and is currently the Assistant Regional Director for the FTC's Southeast Region. Liebes is responsible for

supervising and litigating law enforcement actions involving a variety of consumer protection issues, including online privacy, fraudulent Internet schemes, deceptive telemarketing fraud, business opportunity scams, consumer credit statute enforcement, and other unfair and deceptive trade practices. She also regularly conducts seminars and gives outreach presentations to business and consumer groups and has appeared on numerous television and radio broadcasts to discuss consumer fraud and credit issues.

Joyce Plyler is a member of the law firm of Womble Carlyle Sandridge & Rice, PLLC. She represents major national corporations on a variety of advertising and marketing issues in both traditional and new media. Her practice is founded on 12 years of law enforcement and senior advisory experience at the Federal Trade Commission. At the FTC, Plyler held significant responsibility for enforcing federal laws prohibiting unfair and deceptive practices in the advertising and marketing of consumer goods and in the provision of financial services.

Barbara Shaw is an assistant attorney general in the Consumer Protection Division of the North Carolina Attorney General's Office, where her civil practice focuses on deceptive advertising, health fraud, and charitable solicitation fraud. Shaw has practiced for 18 years with the Attorney General's Office both in the Consumer Protection Division and the Education Section. Previously, she served as an assistant to the General Counsel at the N.C. Department of Correction and as a special education teacher in the Chapel Hill-Carrboro Public Schools. She received her B.A., M.Ed. and J.D. degrees from the University of North Carolina at Chapel Hill.

Annie Ugurlayan is a staff attorney with the National Advertising Division of the Better Business Bureaus, Inc., the advertising industry's forum for voluntary self-regulation. Before joining the NAD, Ugurlayan was in private practice, where she specialized in advertising law and commercial litigation. Ugurlayan is the co-author of *Self-Regulatory Techniques for Threading the Antitrust Needle*, which appeared in the summer 2004 edition of Antitrust magazine, and *Armenia: Privatization and Foreign Direct Investment in a Climate of Political and Economic Instability*, which appeared in the Loyola of Los Angeles International & Comparative Law Review.

John Villafranco is a member of the law firm of Collier Shannon Scott and practices in the firm's Advertising and Marketing Practice Group. Villafranco provides litigation and counseling services to corporations involved in advertising and marketing. He is the current chair of the American Bar Association Section on Antitrust Law Consumer Protection Committee and is a frequent speaker at advertising law seminars and ABA programs. He also has conducted advertising law workshops for many corporations, including Nextel, 3M, Whirlpool, Burger King, BellSouth, Michelin and Bissell.

Payment Information

The registration fee is \$99. The registration fee includes both a CD and a binder of presentations, a continental breakfast, breaks, and lunch. The pre-registration deadline is April 12. On-site registration will be permitted subject to space availability. UNC-Chapel Hill faculty and students may receive complimentary registration. Cancellations received on or before April 7 will receive a full refund. If you must cancel after April 7, you may transfer your registration to someone else in your company but you can not receive a refund.

CLE Credit: 5.5 Hours (\$40 additional fee)

Continuing legal education credit will be reported to the N.C. State Bar Board of Continuing Legal Education by the UNC School of Law. Please indicate on your registration form if you desire CLE credit for this program. There is a \$40 fee for this service. Attendance is reported to the state you request. However, out-of-state fees are the responsibility of the attendee.

The William and Ida Friday Center for Continuing Education

Green Lights & Red Flags: FTC Rules of the Road for Advertising Law will be held at the William and Ida Friday Continuing Education Center, located in Chapel Hill on Highway 54. All sessions will be in the Grumann Auditorium. Directions and a map are available at <http://tinyurl.com/4tn3e>. Free parking is available on-site.



Lodging

Courtyard by Marriott® Chapel Hill is adjacent to the Friday Center. For reservations, call (919) 883-0700 or visit <http://www.marriott.com/rduch>. More information on lodging is available at <http://tinyurl.com/5c6ku>.

Registration

**The registration fee is \$99.
Please add \$40 for reporting of CLE.**

- Register online at tinyurl.com/kutb
- Mail the registration form to School of Journalism and Mass Communication, CB#3365, Chapel Hill, NC 27599-3365
- Fax: (919) 843-8138
- Call: (877) 668-0674

Three ways to pay.

- My check made payable to UNC JOMC is enclosed.
- UNC account transfer (3-16553-0199)
- Visa/MC #: _____ Exp.: __/__/__

Name _____

Title _____

Company _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

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Special needs? _____

_____ I would like to receive CLE credit in North Carolina. My N.C. Bar number is _____.

_____ I would like to receive CLE credit in the state of _____. My Bar number is _____.

Attendance is reported to the state you request. However, out-of-state fees are the responsibility of the attendee.