

Advertising & Marketing

In a competitive marketplace, you need effective marketing and advertising to successfully build your brand. Whether through traditional broadcast and print media, digital formats, direct mail, telemarketing or other vehicles, breaking through the noise and connecting with your customers has never been more important – or more challenging.

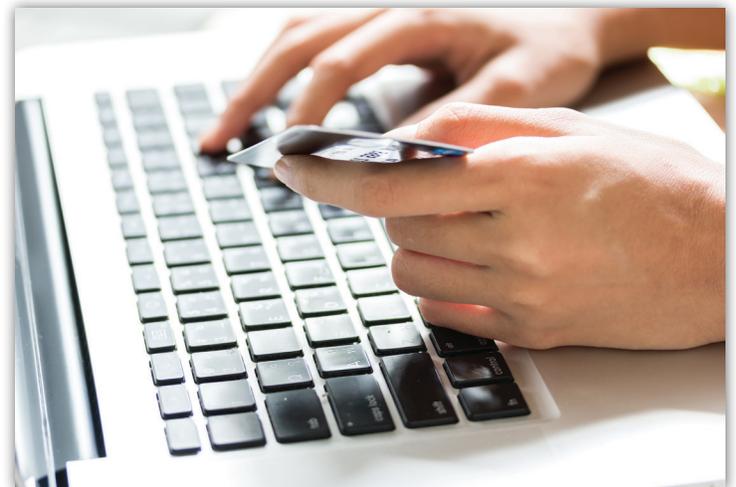
But how do you know when you've crossed the line from an impactful ad to one that's deemed deceptive? Even truthful ads can raise questions. The FTC and state attorneys general are increasing regulatory oversight across all industries, and unfortunately, a single claim of deceptive and unfair marketing practices can have devastating consequences for your business.

Working proactively with clients to assess risk in their advertising and marketing campaigns, we catch potential missteps before they reach the customer or worse, a regulator. As former consumer protection regulators, our legal team knows exactly what to look for and can identify issues that only a trained "former regulator eye" will spot. We regularly help clients avoid errors that have subsequently resulted in substantial cost to their competitors.

From entrepreneurial startups to Fortune 50 companies, we work with businesses of all sizes across a range of highly regulated industries. Our clients include manufacturers and service providers, advertising agencies, direct marketing and promotion firms, and teleservice companies.

We understand – perhaps better than most – the importance of maintaining positive working relationships with the agencies that regulate our clients. We interact daily with federal agencies and attorneys general and their staff on behalf of our clients, representing their interests and providing regulatory feedback. We closely monitor enforcement activity and analyze trends to inform our clients' campaigns and better arm them for success in an evolving regulatory environment that varies state by state.

To help lower your costs and raise your awareness, we work closely with the industry associations that represent your business's marketing and advertising interests, providing counsel to guide their advocacy efforts. Industries look to us to create associations, draft best practices and share self-regulatory success stories with regulators. We also serve as General Counsel to organizations such as PACE, the association dedicated exclusively to the customer engagement industry.





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Our clients turn to us for a full range of legal services that cover all facets of Advertising & Marketing compliance and litigation, including the following:

- **Compliance Analysis of Advertising & Marketing Materials.** We review content for advertising and marketing collateral across all media, including but not limited to, advertising campaigns, sales scripts, websites, social media, sweepstakes, warranty, and disclosing materials.
- **Claim Substantiation.** We review product and service claims to provide the strongest competitive positioning while maximizing defendability against legal or regulatory challenges in this particularly volatile time.
- **Due Diligence and Third-Party Agreements.** We evaluate and mitigate the regulatory compliance risks presented by vendor and other third-party agreements.
- **Consumer Complaint Response.** We advise companies in all aspects of consumer complaint handling to minimize the possibility of a governmental investigation or lawsuit.

- **Defense of Class Action and Individual Lawsuits.** We defend class action and individual lawsuits involving UDAAP and other consumer protection laws, achieving optimal outcomes for our clients.
- **State and Federal Investigations.** We manage responses and resolve investigations brought by the FTC, FCC, and state attorneys general.
- **Regulatory Advocacy.** We advocate for clients' interests in matters involving the FTC, FCC, BCFP, and other federal and state regulators. This includes filing administrative petitions or comments on behalf of our clients and meeting with regulatory agencies.