

**GREEN LIGHTS  
& Red Flags:  
FTC Rules of the Road  
for Advertisers**

Tuesday, March 22, 2005  
Drake Hotel, Chicago, IL



# Seminar Agenda

**8:00am**

**Registration & Continental Breakfast**

**9:00am**

**Welcome**

*Barbara Tulipane, President & CEO, Electronic Retailing Association  
Rolando Berrelez, Assistant Director of the Midwest Regional Office, FTC*

**9:15am – 10:30am**

**Advertising Law Basics – Ad Meaning and Substantiation**

*Lesley Fair, Attorney, Bureau of Consumer Protection, FTC  
Edward Glynn, Jr., Partner, Venable LLP*

- Advertising Claims
  - Expressed versus implied claims
  - The “net impression” standard
  - Deception by omission
  - Endorsements: expert versus consumer
  - Disclosures
- Advertising Substantiation
  - Standards for “competent and reliable scientific evidence”
  - Testing methodology
  - Special issues regarding health-related claims
  - Substantiating comparative claims

**10:30am – 10:45am**

**Break**

**10:45am – 11:45am**

**Promotional Issues**

*Elaine Kolish, Associate Director of the Division of Enforcement in the  
Bureau of Consumer Protection, FTC  
Bill Heberer, Partner, Manatt, Phelps & Phillips LLP*

- Free offers
- Continuity programs
- Rebates
- Dos and don'ts of the Telemarketing Sales Rule

**11:45am – 1:15pm**

**Keynote Luncheon: What's on the Radar Screen? FTC Priorities for 2005**

*Lee Peeler, Deputy Director, Bureau of Consumer Protection, FTC*

**1:15pm – 2:15pm**

**Special Issues for Online Advertisers**

*Steven Wernikoff, Attorney, Midwest Region, FTC*

*Ian Volner, Partner, Venable LLP*

- Dot.com disclosures
- Spyware and adware
- Online privacy and security
- Requirements of the CAN-SPAM Act

**2:15pm – 3:15pm**

**What Happens if Things Go Wrong: The Anatomy of FTC and State AG Investigations**

*Moderator: Barry Cutler, Partner, Baker & Hostetler LLP*

*Panelists: Heather Hipsley, Assistant Director of the Division of Advertising Practices in the Bureau of Consumer Protection, FTC*

*Linda Goldstein, Partner, Manatt, Phelps & Phillips LLP*

*Deborah Hagan, Division Chief, Statewide Consumer Protection Division, Office of the Illinois Attorney General*

- Best practices to avoid federal or state law enforcement
- Investigative procedures – access letters, CIDs, negotiations
- The practical effect of fencing-in orders
- Individual liability
- Consumer redress
- Consumer class actions
- Unique aspects of state AG and multi-state investigations

**3:15pm – 3:30pm**

**Break**

**3:30pm – 4:30pm**

**Self-Regulation or Litigation? Deciding What's in Your Client's Best Interest**

*Jeff Knowles, Partner, Venable LLP*

*Wayne Keeley, Assistant Director of Development, National Advertising Division of the Council of Better Business Bureaus*

*Peter Marinello, Director, Electronic Retailing Self-Regulation Program*

**4:30pm**

**Adjourn**