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**Honors and Awards**

Law Firm of the Year, National Advertising, *U.S. News and World Report*, 2012 and 2014

**Announcement**

Advertising Law News and Analysis will be taking July 3 off, and we hope you plan to do the same. Enjoy the holiday and look for the next edition of Venable's advertising law newsletter in your inbox on July 10.

**News****Former CPSC Senior Staffer Joins Venable**

Venable announced this week that **Jana Fong-Swamidoss**, a former senior staff member at the Consumer Product Safety Commission (CPSC), has joined Venable. Ms. Fong-Swamidoss most recently served as Deputy Chief of Staff to the Acting Chairman at the CPSC, where she was responsible for helping implement the Consumer Protection Safety Improvement Act.

"In stepping away from government service, Venable quickly rose to the top of the list among firms helping companies confront challenges related to product integrity and consumer safety," Ms. Fong-Swamidoss commented in the press release announcing her arrival. "The firm has outstanding litigation, regulatory, and legislative groups, all of which I hope to be supporting."

Ms. Fong-Swamidoss joined the CPSC in 2009 as Deputy Director for the Office of Legislative Affairs. Prior to her tenure at the CPSC, she served as an attorney at the Federal Trade Commission (FTC), acting as a liaison between FTC staff and Congress on privacy and data security issues, as well as deceptive marketing and unfair advertising claims.

Read Venable's press release to [learn more about Ms. Fong-Swamidoss](#).

**Analysis****Want to Settle an NAD Challenge? It Can be Done.**

Many advertisers assume that once a National Advertising Division (NAD) challenge is filed there is no turning back, writes Venable attorney **David D. Conway** in a recent post to Venable's advertising law blog. Although NAD rarely declines an opportunity to review cases (and avenues to close a case once a review has begun are few), Conway writes, NAD recently administratively closed three cross-challenges between T-Mobile and AT&T based on settlements that the self-regulatory body found satisfactory.

Read Conway's blog post to [learn how the NAD cases were settled](#).

**California "Made in USA" Class Action May be First of Many**

A few years ago, a wave of "Made in USA" class action lawsuits in California foundered, write Venable attorneys **Amy Ralph Mudge**, **Randal M. Shaheen**, **Mark S. Goodrich**, and summer associate Jessica Swauger\* in a recent post to Venable's advertising law blog. The recent California Supreme Court's *Kwikset* decision resolved many of the issues; however that had foiled previous "Made in USA" class actions. Now it looks like plaintiffs' attorneys may be back for another shot at marketers' wallets.

California's "Made in USA" statute is particularly onerous, prohibiting the use of "Made in USA" "when the merchandise or any article, unit, or part thereof, has been entirely or substantially made, manufactured, or



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produced outside of the United States." In contrast, the FTC's "Made in USA" policy states that all of the significant parts or processing of the product must come from the United States, but a "negligible" amount can be foreign. Thus regardless of the extent of the product's other U.S. parts or processing, the FTC considers a product "all or virtually all" made in the U.S., so long as the product has last "substantially transformed" in the U.S., thus allowing for increased flexibility in terms of foreign component parts.

Unless and until California modifies its law to conform to the FTC's standard, the authors write, companies with "Made in USA" claims would do well to monitor the situation in California and look closely at every rivet, zipper, button, thread, and screw.

Read the blog post to [learn more about recent California "Made in USA" Class Actions](#).

Read the [FTC's Enforcement Policy Statement of U.S. Origin Claims](#).

\* *Jessica Swauger is a Venable summer associate and not admitted to practice law.*

## More Buzz About Post-Grant Proceedings

Recent developments in post-grant challenges to patents have been intense. Venable's Intellectual Property attorneys have been keeping score and keeping clients up-to-date with the practice's monthly *IP Buzz – Post Grant Practice* newsletter.

Read this month's edition to [learn why having a patent granted can be just the beginning](#).

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