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#### Honors and Awards

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



## News

### Dan Silverman Provides Analysis of *POM Wonderful* Decision

There is little question that the U.S. Supreme Court's unanimous decision last week in *POM Wonderful v. Coca-Cola* will change the way advertising claims are made on food labelling. The Court ruled that federal regulation of food and drink labels does not preempt competitors' ability to use Lanham Act lawsuits to challenge allegedly deceptive advertising on food labels. Venable partner **Daniel S. Silverman**, who previously served as in-house counsel at POM Wonderful, provided analysis of the Court's decision and its likely effects on the marketplace, to numerous publications.

"This decision proves that competitors can successfully challenge their rivals and we can expect more vigorous litigation between competitors, as well as more class actions arising from consumer product labeling issues." Silverman told *FoodNavigator-USA*.

[Read Silverman's comments in USA Today.](#)

[Read Silverman's comments in Functional Ingredients.](#)

[Read Silverman's comments in FoodNavigator-USA.](#)

## Analysis

### Senators to FTC: Knock Off Outlet Knock Offs

Back in the day, outlet stores were a place where manufacturers could sell discontinued products or inventory from last season, write Venable attorneys **Amy Ralph Mudge**, **Randal M. Shaheen**, **Mark S. Goodrich**, and summer associate **Wes S. Sudduth**\* in a recent post to Venable's advertising law blog. Today, however, national clothing retailers frequently create separate, lower-quality product lines sold exclusively through their outlets.

Earlier this year, four members of Congress asked the Federal Trade Commission (FTC) to investigate potentially misleading marketing practices by such outlet retailers. The Senators' letter expressed concern that outlet shoppers might be misled about whether the outlet product lines were ever sold (or intended for sale) at a regular retail store, and whether the products were ever sold at the advertised "retail price" used as reference pricing at the outlet stores.

The authors write that although the FTC rarely, if ever, enforces its pricing guides these days, retailers' pricing practices may still face scrutiny from state officials and class action plaintiffs' attorneys.

[Read the full text of the outlet pricing blog post.](#)

[Read the Senators' letter to the FTC.](#)

\* *Wes S. Sudduth is a Venable summer associate and not admitted to practice law.*

### Understanding What Just Happened in *POM Wonderful v. Coca-Cola*

Last week, the Supreme Court paved the way for competitors to challenge FDA-regulated food and beverage labels under the Lanham Act, writes Venable attorney **David D. Conway** in a recent post to Venable's advertising law blog. In the post, Conway explores the origins of the case, the Justices' reasoning in their unanimous decision, and how the ramifications of the decision will likely unfold in the marketplace.

For a more complete understanding of the *POM Wonderful* decision, [read Conway's blog post.](#)



Top-Tier Firm *Legal 500*

For more information about Venable's award-winning Advertising and Marketing practice, please visit our website at [www.Venable.com/Advertising-and-Marketing](http://www.Venable.com/Advertising-and-Marketing)

[Access a copy of the Court's \*POM Wonderful v. Coca-Cola\* decision here.](#)

## Bitcoin: Headed for Smooth Sailing or over a Waterfall?

Bitcoin, the decentralized virtual currency introduced in 2009, has generated a tremendous number of headlines this year and almost as much uncertainty. Some marketers, most notably Overstock.Com, have embraced the peer-to-peer payment method with great results, while others have taken a wait-and-see approach. In the most recent edition of *Banking New York*, Venable partner **D.E. Wilson, Jr.** discusses how different groups view bitcoin and the possible paths that could lead the virtual currency to mainstream acceptance.

[Read the full text of Wilson's piece, which appears on page 18 of the issue.](#)

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## Upcoming Events

### 1st Annual BBB Self-Regulation Conference – Washington, DC

June 24, 2014

Join Venable partner **Amy Ralph Mudge** at the Council of Better Business Bureaus' first annual Self-Regulation Conference. Together with the University of Virginia's Darden School of Business, the BBB has created a one-of-a kind conference engaging business leaders, thought leaders, regulators, legislators, associations and self-regulation practitioners.

[Click here for more information and to register.](#)

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