

Advertising & Promotions

Lathrop GPM's Advertising Law team works closely with clients to increase the value of their brands while avoiding the potential legal pitfalls associated with consumer product advertising.

We advise clients on every aspect of advertising, from influencer and mobile campaigns, to product labeling and network clearance, with an emphasis on risk analysis. Our attorneys have extensive experience representing clients from a wide variety of industries before federal regulatory bodies including the Federal Trade Commission (FTC) and Food & Drug Administration (FDA), as well as offices of State Attorney's General and California District Attorneys.

Our Advertising & Promotions team works alongside Lathrop GPM's Agribusiness & Food attorneys, led by Jay Felton, to provide clients class action defense for food, dietary supplements and other consumer products, capitalizing on our deep regulatory and industry knowledge and our litigation expertise. We also regularly represent clients before self-regulatory bodies including the National Advertising Division (NAD) and regional offices of the Better Business Bureau (BBB). The team works side-by-side with our intellectual property attorneys to provide comprehensive counseling to capitalize on creativity while reducing legal risk.

Clients of all sizes rely on the Lathrop GPM Advertising & Promotions team for a variety of services, including the following:

Advertising Compliance

- Advise on national and international advertising and marketing campaigns
- Claim substantiation
- Health and safety claims

- Advertising using social media
- Influencer campaigns, influencer agreements
- Environmental "green," "clean," "sustainable" marketing
- Comparative advertising, "compare to" statements
- "Made in the USA" and other U.S. origin claims
- Pricing, discount claims
- Multi-level marketing
- Contests, sweepstakes, coupons and promotions
- Email and text campaigns, including Telephone Consumer Protection Act (TCPA) compliance
- National cause marketing campaigns
- Gift cards, rewards and loyalty programs
- Marketing to children, Children's Online Privacy Protection Rule (COPPA) compliance
- Trademark clearance, selection, registration and licensing
- Privacy and publicity rights issues
- Agency agreements

FDA Compliance, Labeling and Packaging

- Food, dietary supplement labeling
- Menu labeling
- Cosmetic labeling
- CBD products

Regulatory Investigations, Litigation and Dispute Resolution

- FTC investigations
- State regulatory investigations
- Class action defense
- Lanham Act litigation
- Trademark and copyright litigation
- Resolution of advertising disputes

Our Experience

- Obtained first-ever successful Motion to Dismiss against FTC in false advertising matter

- Represent leading national brands and store brands in industries including food, beverage, CBD, over-the-counter drugs, dietary supplements, cosmetics and personal care
- Represent leaders in technology, travel and sports
- Represent leaders in agribusiness
- Represent clients in both bringing and defending against NAD challenges
- Assist clients with advertising campaigns involving celebrity influencers
- Assist clients with use of micro-influencers, affiliate programs, consumer reviews and star ratings in marketing
- Assist clients with class action defense, integrating deep knowledge of federal regulatory regimes and state UDAP standards, along with strong class action defense experience.
- Represent leading dietary supplement trade organization in filing amicus briefs in class action litigation in federal district and appellate courts
- Represent clients in complex regulatory investigations by agencies including FTC and State Attorneys General