



FTC Consumer Protection

Consumer protection laws and regulations impact every dimension of business – including advertising and marketing practices, warranties, distribution, labeling, disclosures, privacy, and more. The Federal Trade Commission (FTC) is at the forefront of these issues and is increasingly taking an aggressive approach to enforcement. In this complex environment, many of the world’s most prominent consumer-facing businesses trust DLA Piper to defend them in FTC investigations and enforcement and to advise them on proactive compliance strategies.

DLA Piper’s FTC consumer protection team draws on deep experience inside the FTC’s Bureau of Consumer Protection, partnering with businesses to defend them in complex investigations, and implementing innovative compliance programs. We also understand that FTC matters do not arise in a vacuum. In disputes and in compliance, we apply a holistic approach that takes into account FTC challenges as well as business and reputational concerns, state agency enforcement actions, private litigation, and political strategies.

Our team is experienced in the full range of FTC consumer protection issues, including advertising, social media, online influencers, endorsements, disclosures, claim substantiation, warranties, financial services, food and drug claims, environmental and sustainability marketing, Telephone Consumer Protection Act (TCPA) compliance, and consumer privacy.

EXPERIENCE

Representative FTC matters

- Representing numerous national and regional advertisers in truth in advertising investigations brought by the FTC’s Bureau of Consumer Protection and its Regional Offices
- Advising a major communications provider and several other leading US consumer brands on appropriate responses to FTC Penalty Offense Notices regarding influencers and endorsers
- Advising a global operator of theme parks on advertising and marketing clearance for FTC compliance
- Successfully resolving FTC law enforcement investigations on behalf of major consumer brands involving consumer product warranties, customer service claims, consumer financing advertising, billing practices, and online and traditional advertising

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- Intellectual Property and Technology
- Telecom
- Regulatory and Government Affairs
- Corporate

- Consumer Goods, Food and Retail

disclosures

- Advising a major US pharmaceutical company on its initial forays into direct-to-consumer advertising, focusing on compliance with FTC regulations, and advising several national advertisers on compliance with FTC Green Guidelines
- Represented a credit monitoring company in an FTC investigation and litigation related to allegations of consumer protection violations and fraud
- Represented a leading financial services company in overlapping investigations by the FTC and the attorneys general of Minnesota, Washington and Florida, as well as related class action litigation, alleging consumer protection violations and fraud related to advertising, telemarketing and direct mail marketing practices
- Represented an Asia-based global e-gaming company in an FTC investigation of potential violations of the Children's Online Privacy Protection Act (COPPA)
- Advised a global services and technology company on the development and implementation of a new marketing and consumer communications compliance program to resolve complex TCPA, CAN-SPAM Act and state consumer protection law issues
- Following successful resolution of an FTC telemarketing investigation, defeated class certification on behalf of a national consumer lending company in a putative class action in the US District Court for the Western District of Washington, in a case alleging violations of the Telephone Consumer Protection Act
- Represented a global consumer products company in FTC compliance matters related to the Magnuson-Moss Warranty Act
- Represented a Fortune 500 consumer products company in multiple advertising claim substantiation matters, including matters related to health and safety, as well as in endorsement issues arising from traditional and online media advertising
- Represented a globally known celebrity, and associated businesses, in consumer protection matters related to a social media marketing program

INSIGHTS

Publications

A new tech regulatory agency? Key senator calls for more enforcement “teeth”

21 September 2022

Senator Lindsey Graham (R-SC) raised eyebrows around Washington last week when he suggested that he and colleagues are working on creating a “regulatory environment with teeth” to police, and perhaps license, social media companies.

Addressing potential FTC liability when your net-zero claims turn out to be false

17 August 2022

INTELLECTUAL PROPERTY AND TECHNOLOGY NEWS

In striving to reach net zero, organizations are aiming for an even balance between the amount of GHG they produce and the amount they remove from the atmosphere.
