

# NEWSLETTER: Advertising, Marketing & Promotions, Spring 2008

CLIENT ALERT | 04.09.2008

PROFESSIONALS

Andrew B. Lustigman

Friends and Colleagues:

Welcome to the first electronic version of our newsletter. In it we seek to provide a snapshot of recent articles, summaries, and upcoming presentations by our attorneys. We hope these articles assist you in your business practices, and we welcome any feedback on how this can be improved.

PRACTICE AREAS

Advertising, Marketing & Promotions

## Articles

Our article, "Recent Sweepstakes and Promotional Marketing Disasters" highlights recent promotion mishaps in the past year in an effort to identify traps for the unwary.

We have been tracking the SMS class actions being litigated in California and Georgia. Check our blog for the latest. [Click here](#) for our most recent post regarding oral arguments in Georgia.

The peer-reviewed journal publication "Regulation of Dietary Supplement Advertising: Current Claims of Interest to the Federal Trade Commission, Food and Drug Administration and National Advertising Division," reprinted with permission by the Food and Drug Law Journal, and co-authored by Andrew Lustigman, provides insight into the current regulatory environment and discusses the laws relevant to specific types of claims.

"Security: Border Patrols", by Jonathan Ezor, April 2008, published in Law Technology News, discusses how e-mail has become almost universally part of legal practice, and with the growth of mobile devices, messages are sent and received 24/7 throughout the world. As the article points out, included within many of these messages is information that attorneys are ethically obligated to keep confidential, where disclosure might have serious negative consequences for the client. The article goes on to discuss recent attorney e-mail-related incidents, and how encryption might be added to attorneys' toolboxes to reduce the possibility of problems. The firm itself is currently implementing encryption capabilities for its e-mail, and would be happy to work with any of

our clients on additional protection for communications.

#### **Recent Events**

On March 12, 2008, Jonathan Ezor chaired a continuing legal education conference at Touro Law Center in Central Islip, NY, on the federal electronic discovery rules and how they have impacted lawyers, clients and courts.

#### **Upcoming Events**

Andrew Lustigman will be speaking on Landmines, Hot Topics and Red Flags in Promotions Law at the 23rd Annual Intellectual Property Law Conference on April 11, 2008, in Arlington, Virginia.

Sheldon Lustigman will be attending the International Direct Marketing Fair in London this month.

We are presenting the May 5, 2008 Consumer Protection Update for the American Bar Association Consumer Affairs Committee. The telephonic presentation will provide an update on significant developments in consumer protection law. The presentation will cover cases, settlements and other initiatives on the federal and state levels, as well as consumer class actions, Lanham Act litigation, and National Advertising Division decisions.

Andrew Lustigman will be speaking on new state regulatory developments at the eHavorial, Peer-to-Peer and New Media Marketing Conference, sponsored by Law Seminars International on June 2, 2008 in Seattle.

Andrew Lustigman and Adam Solomon will be presenting on Direct Marketing Liability Issues at the Avrck Direct, Inc.'s DMDAYS Breakfast in New York on June 10, 2008. The presentation will focus on new government regulations and enforcement actions and their impact on the direct marketing community. Contact Avrck Direct, Inc. to RSVP. Also, if you are planning on attending NY DMDAYS, please let us know and let's schedule at time to meet.

Jonathan Ezor is co-chairing the 2nd International Conference on Business, Law and Technology, to be held at Touro Law Center in Central Islip, NY from June 17th to 19th.

Andrew Lustigman will head a panel consisting of a representative from the Federal Trade Commission and the National Advertising Division at SRI/American Lawyer Media's 5th Annual Cosmeceuticals Conference scheduled for June 26-27, 2008 at the Marriott Eastside Hotel in NYC.

*This newsletter is a publication of Olshan, a law firm with offices in New York and New Jersey. This newsletter and the referenced articles are intended to provide a general overview of legal issues. It is not intended to cover all laws or to serve as legal advice or as a replacement for specific advice of counsel. The views, opinions, statements, analysis and information contained in this outline do not necessarily reflect the views of Olshan or any of its past, present and future clients. © MMVIII by Olshan.*

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