DAY 1 – Ad Law: The State of Play Today
Monday, September 19

Breakfast & Networking
8:00-9:00 AM ET
Convene at Hamilton Square
600 14th Street NW, Washington, D.C. 20005

Welcome to NAD 2022
9:00-9:15 AM ET
Welcome remarks will include housekeeping items and instructions for receiving CLE credit.
♦ Eric D. Reicin – President and CEO, BBB National Programs
♦ Laura Brett – Vice President, National Advertising Division, BBB National Programs

NAD: What’s New in 2022?
9:15-10:00 AM ET
National Advertising Division attorneys provide an overview of trends and recurring issues from the past year. This session also reviews trends in appeals to the National Advertising Review Board, compliance cases, and regulatory referrals.
♦ Melissa Brown – Attorney, National Advertising Division, BBB National Programs
♦ Daniel Range – Attorney, National Advertising Division, BBB National Programs

Networking Break
10:00-10:15 AM ET
Claim Substantiation: The Product Development Edition
10:15-11:15 AM ET
Using a hypothetical product, panelists explore the substantiation issues associated with launching a product from the ground up: from product development, to testing, to launch day.
♦ Amy Dolgin – Head, Legal, US & Global Vision Care Business, Alcon, Inc.
♦ Lynn K. Neuner – Partner, Simpson Thacher & Bartlett LLP
♦ Tom Rosholt – Owner/Principal, Tom Rosholt Consulting, Inc.
♦ Jennifer Santos – Attorney, National Advertising Division, BBB National Programs

One-on-One with the FTC’s Serena Viswanathan
11:15 AM-12:00 PM ET
A discussion with Serena Viswanathan about the Federal Trade Commission’s (FTC) Division of Advertising Practices priorities now and in the near future, moderated by Laura Brett, Vice President, National Advertising Division.
♦ Laura Brett – Vice President, National Advertising Division, BBB National Programs
♦ Serena Viswanathan – Associate Director, Advertising Practices, Federal Trade Commission

Lunch Break
12:00-1:00 PM ET

Representation Matters: How to Address DEIB Authentically
1:00-2:00 PM ET
Brands want to engage meaningfully with their diverse audience and tout their commitment to social justice, but how do they do that in an authentic way?
♦ Rohini Gokhale – Global Marketing Counsel, Estée Lauder Companies
♦ Ingrid Otero-Smart – President, Casanova/McCann
♦ Kimberly Smith – Founder & CEO, Marjani Beauty
♦ Annie M. Ugurlayan – Assistant Director, National Advertising Division, BBB National Programs

Networking Break
2:00-2:15 PM ET
Claim Substantiation 101: A Survey of Surveys

2:15-3:15 PM ET

Surveys are often used to substantiate a variety of claims and come in a variety of models. A properly conducted survey can make or break a case. Panelists will address best practices associated with conducting surveys and provide tips for designing surveys that can pass muster in an NAD proceeding.

♦ Katherine Armstrong – Deputy Director, National Advertising Division, BBB National Programs
♦ Caleb Brian, Ph.D. – Advanced Product Claims Specialist, 3M
♦ Robert S. Jones – Corporate Counsel, S. C. Johnson & Son, Inc.
♦ Heili Kim – McDermott Will & Emery
♦ Amy Preston, Ph.D., RD – Senior Manager, R&D Regulatory & Nutrition and Agile Innovation, The Hershey Company

FTC Update & Enforcement Actions with Samuel Levine

3:15-4:00 PM ET

Bureau Director Samuel Levine joins us to discuss the issues on their radar for this year, relevant cases on critical ad law topics, and where the FTC’s focus will be in the year ahead.

♦ Samuel Levine – Director, Bureau of Consumer Protection, Federal Trade Commission

When Court Seems Like the Only Option: Perspectives on Advertising Litigation

4:00-5:00 PM ET

Panelists will provide insight on recent Lanham Act and consumer class action cases from the federal bench. In addition, our featured speakers will discuss how federal court cases can intersect with NAD and FTC proceedings.

♦ David H. Bernstein – Debevoise & Plimpton LLP
♦ Laura Brett – Vice President, National Advertising Division, BBB National Programs

Networking Reception at the Hotel Washington

5:00 PM ET

Hotel Washington
515 15th Street NW, Washington, D.C. 20004

Please note: All in-person attendees must be fully COVID-10 vaccinated.
Breakfast & Networking

8:00-9:00 AM ET

Convene at Hamilton Square
600 14th Street NW, Washington, D.C. 20005

Welcome to Day 2

9:00-9:05 AM ET

Day 2 will focus on the next era of ad law and address issues facing advertisers on the road ahead.

♦ Laura Brett – Vice President, National Advertising Division, BBB National Programs

Emerging Issues: Influencers, Dark Patterns, Reviews

9:05-10:05 AM ET

Panelists will discuss how to spot thorny issues brands may face when using influencers, consumer reviews, or other promotional strategies that are attracting scrutiny from the NAD, FTC, and other regulators, including FDA.

♦ Kathryn Aikin, Ph.D. – Senior Social Science Analyst and Research Team Lead, Office of Prescription Drug Promotion, FDA
♦ Katherine Armstrong – Deputy Director, National Advertising Division, BBB National Programs
♦ Andra Dallas – Senior Counsel, Advertising & Marketing, PayPal
♦ Raqiyah Pippins – Partner, Consumer Products & Retail, Arnold & Porter
♦ Renuka D. Singh – Senior Legal Counsel, Regulatory, North America, Reckitt Benckiser LLC

Truth-in-Advertising in the Metaverse

10:05-11:05 AM ET

Panelists will explore ways to implement truth-in-advertising principles into advertising in the metaverse such as how to ensure that material connections are adequately disclosed and how to protect vulnerable populations without stifling creativity.

♦ Sydney English – Senior Legal Counsel, Marketing, Unilever North America
♦ Anna Naydonov – Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
♦ Jennifer Nedeauf-Helm – Policy Manager, Business Partners; Content Policy Stakeholder Engagement, Meta
♦ Howard Smith – Senior Attorney, Direct Selling Self-Regulatory Council, BBB National Programs

Networking Break

11:05-11:20 AM ET
Sustainability: What’s New and What’s Next?
11:20 AM-12:20 PM ET

Environmental marketing continues to be important to consumers and brands, but the issues facing advertisers can be nuanced. Panelists will explore various forms of environmental and sustainability claims and discuss ways to avoid regulatory and other risks when making such claims.

♦ Adam Ekonomon – Vice President and Deputy General Counsel, The J. M. Smucker Company
♦ Elena Stein – Senior Corporate Counsel, Americas, Dyson, Inc.
♦ Eric Unis, Senior Attorney – National Advertising Division, BBB National Programs
♦ Ronald R. Urbach – Advertising + Marketing, Partner/Co-Chair, Davis+Gilbert LLP

Lunch Break
12:20-1:20 PM ET

Keynote Session
1:20-2:00 PM ET

♦ Hon. Alvaro Bedoya – Commissioner, Federal Trade Commission

The Brave New World of NFTs, Cryptocurrency, and More
2:00-2:45 PM ET

Presentations from the perspective of those on the front lines of these emerging issues.

♦ August Horvath – Foley Hoag, LLP
♦ Arun Sundararajan – Harold Price Professor of Entrepreneurship and Professor of Technology, Operations and Statistics, New York University (NYU) School of Business

Networking Break
2:45-3:00 PM ET

Apples & Oranges: Embracing Differences
3:00-4:00 PM ET

Advertisers often compare dissimilar products and services in their advertisements. When is it fair to compare and when should you steer clear? What should you do if the most likely comparisons are to products with significant differences? Is there anything you need to disclose to help consumers understand the comparison? This panel will explore real-life examples and provide guidance on best practices when making comparisons.

♦ Brian Ashby – Vice President & Deputy General Counsel, Verizon Communications, Inc.
♦ Marisa A. Gómez – Senior Director, Associate General Counsel, Capital One
♦ Jennifer Sheehy – Assistant General Counsel, Johnson & Johnson
♦ Zheng Wang – Attorney, National Advertising Division, BBB National Programs
NAD: The Future of Advertising Industry Self-Regulation

4:00-4:30 PM ET

The National Advertising Division ends each conference with a look into a crystal ball. In this session, we share what is coming up for advertising industry self-regulation in the next year and then make our predictions about what is just over the horizon in the broader ad law landscape, including international self-regulatory policy developments.

♦ Laura Brett – Vice President, National Advertising Division, BBB National Programs
♦ Mary Engle – Executive Vice President, Policy, BBB National Programs