

Hear from

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Frito-Lay  
General Mills  
Herbalife  
J.M. Smucker  
Nestlé Nutrition  
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Advanced Legal Summit on

# Food & Beverage Marketing & Advertising

Responding to heightened enforcement risks with effective and compliant marketing strategies

March 31 – April 1, 2011 | Westin Washington D.C. Center | Washington, DC

**Gain firsthand government insights:**

**Mary Engle**

Associate Director  
Division of Advertising Practices, **FTC**

**Richard Cleland**

Assistant Director  
Division of Advertising Practices, **FTC**

**Kial Young**

Senior Attorney  
Division of Advertising Practices, **FTC**

**Jennifer Thomas**

Director, Division of Enforcement  
Office of Compliance CFSAN, **FDA**

**Vincent de Jesus**

Nutritionist, Office of Nutrition, Labeling,  
and Dietary Supplements CFSAN, **FDA**

**Kathryn L. Farrara**

Staff Attorney, **National Advertising Division**

**Elaine D. Kolish**

Vice President, & Director, **Children's Food  
and Beverage Advertising Initiative**

**As the industry braces for a wave of increased enforcement,  
now is the time to learn how to:**

- **Minimize exposure to enforcement** by closely monitoring marketing and advertising practices
- Structure **front-of-pack labels** to ensure accuracy of nutrient and calorie content information
- Ensure **proper scientific evidence and data is compiled** to support health, nutrition, benefit, function and mental performance claims
- Update your environmental advertising campaign in light of recent updates to the FTC **"Green Guides"**
- Respond to renewed government interest in **marketing initiatives targeted at children**
- Effectively market food and beverage products in the **virtual and online space**
- Defend your company in the context of **consumer fraud litigation** based on claims of false and deceptive advertising

**Interactive Working Groups – March 30, 2011**

**A** Structuring and Overseeing Sweepstakes, Contests and Promotions for Food and Beverage Products: How to Prevent Legal and Regulatory Pitfalls

**B** The Anatomy of a Health-Benefit Claim: A Step by Step Guide to Compiling Effective Scientific and Medical Evidence to Support Your Claim Substantiation

**Industry Associations Speak on Current  
Legislative Proposals and Initiatives**



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**" I have made improving the scientific accuracy and usefulness of food labeling one of my priorities as Commissioner of Food and Drugs."**

Open Letter to Industry from Dr. Hamburg, Food and Drug Administration, March 3, 2010

***The FTC announces its intent to issue 6(b) compulsory process requests to major food and beverage manufacturers, distributors, and quick service restaurant companies for information concerning their marketing activities and expenditures targeted toward children and adolescents.***

Federal Register Notices, Federal Trade Commission, May 25, 2010

Against a highly-politicized backdrop that has largely fueled the outcry for increased government enforcement of marketing and advertising initiatives, there is no question that the FDA and FTC have set a bulls-eye on the food and beverage industry.

Focusing their attention on health and nutrition claims, claim substantiation, front-of-package labeling, and food marketing to children, heightened government enforcement in these areas has also triggered a spike in private litigation grounded in claims of false and deceptive advertising, posing a double threat to the industry.

### **It's Time to Revisit Your Marketing & Advertising Strategies**

In light of the great concern within the industry over these issues, American Conference Institute is pleased to offer you this *Advanced Legal Summit on Food & Beverage Marketing & Advertising*. Specifically dedicated to addressing the unique enforcement challenges currently being faced by the food and beverage industry, this conference will provide you with the opportunity to benchmark with your colleagues while learning what your company should do now to re-adjust its marketing and advertising practices in response to this new wave of FDA and FTC enforcement.

### **Gain Firsthand Insights Directly From the Government**

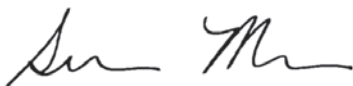
Benefit from participation by the FTC's Division of Advertising Practices, FDA/CFSAN's Office of Compliance, Division of Enforcement and Office of Nutrition, Labeling and Dietary Supplements, National Advertising Division, and the Children's Food and Beverage Initiative, as you learn what the agencies' enforcement priorities are as well as what your company can do now to avoid getting caught in the regulatory crosshairs.

Join us at this timely event as we provide you with practical solutions to your most pressing regulatory and legal concerns associated with food and beverage marketing, advertising and product labeling.

Add value to your attendance by joining us at one of the interactive working sessions on **Structuring and Overseeing Sweepstakes, Contests and Promotions for Food and Beverage Products** or for a more in-depth examination of what goes into structuring a legally-compliant health claim, join us for the **Step-by-Step Guide to Compiling Effective Scientific and Medical Evidence to Support Your Claim Substantiation** on March 30, 2011.

Seats at this event are expected to go quickly given the great interest in this topic. Reserve a space for your team by calling 1-888-224-2480; faxing your registration to 1-877-927-1563 or registering online at [www.AmericanConference.com/foodmarketing](http://www.AmericanConference.com/foodmarketing).

I look forward to seeing you in Washington, DC in March!



Sunieray D. McCall, JD  
Senior Legal Conference Producer

## **A MUST-ATTEND EVENT FOR**

**Food, beverage, dietary supplement, and consumer health product manufacturers, retailers and restaurants:**

- In-house counsel and legal support staff responsible for:
  - Advertising
  - Marketing
  - Labeling
  - Promotions
  - Regulatory Affairs
  - Government Affairs
  - Intellectual Property
- Marketing, Advertising & Public Relations Directors
- Brand Managers

### **Private practice attorneys specializing:**

- FDA/Food and Drug Law
- Food Law
- Food Advertising and Labeling
- Advertising
- Dietary Supplements and Consumer Health Products

## **HERE'S WHAT PAST ATTENDEES OF ACI FOOD EVENTS HAVE TO SAY:**

**"Great speakers, very organized, interesting topics."**

- Consumer Safety Officer, FDA

**"Very informative, speakers were knowledgeable."**

- Quality & Sanitation Manager  
American Licorice Company

**"Very insightful and relevant to current topics I deal with on a daily basis."**

- Global Procurement & Distribution Counsel  
Whole Foods Market

**"Very good experience."**

- Vice President, Tech Sales & General Counsel  
Gilster-Mary Lee Corp.

**"Excellent information, resources and contacts!"**

- Director of Food and Workplace Safety  
Metz Fresh, LLC

**"Very informative and useful, I will attend again..."**

- Regulatory Affairs Director  
Kermin Food Technologies

**"Great speakers and attendees."**

- Managing Partner,  
Butler, Vines and Babb, PLLC

9:00 am – 12:30 pm (Registration begins at 8:30 am)

1:30 pm – 5:00 pm (Registration begins at 1:00 pm)

**A**

## Structuring and Overseeing Sweepstakes, Contests and Promotions for Food and Beverage Products: How to Prevent Legal and Regulatory Pitfalls

**Bruce Strothers**  
Marketing Counsel  
The Coca-Cola Company (Atlanta, GA)

**Brian D. Fergemann**  
Partner, Intellectual Property Department  
Winston & Strawn LLP (Chicago, IL)

Anxious to learn how to best utilize evolving social media platforms? Curious about how to oversee a product promotion on Facebook, MySpace, Twitter or YouTube? Wondering how to structure an online promotion that will comply with local regulations in each state?

Specifically designed to provide a thorough explanation of how product promotions are crafted and carried through within the food and beverage industry, attendees of this interactive working session will walk away with practical strategies for structuring promotions that will minimize the risk of liability and regulatory scrutiny.

### Topics to be discussed will include:

- Identifying what information should be included in the rules
- Outlining how contest submissions will be judged and evaluated
- Informing consumers how to claim their prize
- Updates on state legislation impacting on sweepstakes, contests and promotions
- Complying with state-specific bonding and registration requirements
- Applying the FTC's Endorsement Guidelines and CAN-SPAM rules to sweepstakes, contests and promotions
- Structuring kid friendly sweepstakes that won't raise red flags for CARU
- Lessons learned and examples of successful food product promotions you can apply to your next marketing campaign

### User Generated Content Sites

- Balancing obligations and statutory protections under various IP laws when conducting sweepstakes or contest promotions that involve user generated content
  - obtaining the necessary clearances associated with the winning entries – celebrity images and personalities, music and copyrighted works, third party trademarks
  - CDA and DMCA – how far do they go, what do they allow in the context of an online promotion
- Specifically outlining standards of conduct for posting materials on the site
- Understanding Facebook's promotion guidelines
- Utilizing Twitter's confined character space to effectively convey your promotional message

### Viral Marketing and Contests

- Identifying the pros and cons of utilizing viral promotions in modern day marketing
- How are companies handling unique IP issues that arise in the context of contest promoted by way of viral marketing?
- Identifying and complying with your responsibilities when operating a viral promotion

**B**

## The Anatomy of a Health-Benefit Claim: A Step by Step Guide to Compiling Effective Scientific and Medical Evidence to Support Your Claim Substantiation

**Richard Cleland**  
Assistant Director Division of Advertising Practices  
Federal Trade Commission (Washington, DC)

**Jonathan W. Emord**  
Principal  
Emord & Associates, P.C. (Washington, DC)

**Cameron Smith**  
Senior Director, WW Regulatory, Government and Industry Affairs and Intellectual Property  
Herbalife (Torrance, CA)

Proper claim substantiation is key to keeping your product out of the regulatory crosshairs in the current enforcement environment. As a named target by both the FDA and the FTC, health-benefit claims are now at the top of the list for enforcement.

Developed specifically to provide best practices and practical strategies for ensuring your team is collecting sufficient evidence to substantiate advertised health claims, this practical and interactive session will walk you through the process for crafting a health claim that will withstand government scrutiny. Structured as a working session designed to facilitate discussion and engage the participants in a real-life discussion of challenges commonly encountered when deciding on whether or not to use a specific health claim, attendees will examine real-life health claims while also gaining insights into how to develop a workable procedure for gathering evidence sufficient to substantiate a health claim.

### Topics of discussion will include:

- Exploring how health claims originate
- Drafting, evaluating, and deciding on a proposed health claim
- Dissecting the "new" standard for substantiating food health claims
- Clearly identifying what type of information is required in order to adequately show substantiation of a health claim – study requirements, criteria used, etc.
- Assuring that all claims are qualified with clear and prominent disclosures on product packaging to reflect the science and avoid deceptive implications through omitted material facts
- Developing an inter-departmental review process for evaluating health claims prior to release
- Withstanding competitive and self-regulatory scrutiny of health claims
  - knowing what one can expect in the event a complaint or information demand is filed against your company
  - how and when to challenge a competitor's claim
- Assessing what the FDA's recent focus on food health benefit claims means for industry
- Understanding how the FDA is now evaluating health claims that have been authorized during the pre-market clearance process
- How to restructure marketing efforts to respond to the FTC's heightened focus on health-benefit claims for functional foods
- Analyzing enforcement triggers and specific claims that have led to government investigations and private actions

## Day One – Thursday, March 31, 2011

7:30 Registration and Continental Breakfast

### 8:30 Co-Chairs' Opening Remarks

**Adam M. Ekonomon**

Director, Marketing, Advertising and Regulatory Law  
and Assistant General Counsel  
**The J.M. Smucker Company** (Orrville, OH)

**Ash Mishra**

Senior Legal Counsel  
**General Mills, Inc.** (Minneapolis, MN)

### 8:45 Outlining FDA & FTC Enforcement Priorities in Food Labeling & Advertising

**Mary Engle**

Associate Director, Division of Advertising Practices  
Bureau of Consumer Protection  
**Federal Trade Commission** (Washington, DC)

**Jennifer Thomas**

Director, Division of Enforcement, Office of Compliance  
Center for Food Safety and Applied Nutrition  
**U.S. Food and Drug Administration** (College Park, MD)

- Focus on substantiation standards for health benefit claims
  - how disease prevention and treatment claims are being evaluated
  - asserting health benefit claims in functional food marketing
- Harmonization of standards for evaluating claim substantiation across agencies
- Discussing increased inter-agency cooperation and advanced enforcement collaboration
- Update on the status of the Fraud Susceptibility Experiment Study
- How the agencies are addressing false marketing claims appearing on foreign-made food and beverage products
- Outlining special areas of focus by the FTC addressing structure, function and mental performance claims involving
  - omega-3 fatty acids
  - vitamins and mineral supplements
  - conventional foods
  - caffeinated alcoholic beverages
  - probiotics
- Focus on food product labeling, specifically false and misleading nutrition information including
  - FOP labeling
  - substantiation and scientific evidence

### 9:45 Responding to FDA & FTC Enforcement Based on Product Claims

**Todd A. Harrison**

Co-Chair  
Dietary Supplements, Cosmetics and Functional Foods  
**Venable LLP** (Washington, DC)

- How to best defend your product claims when responding to access letters requesting specific evidence on product substantiation
- Responding to public allegations issued in a warning letter
- Minimizing downstream risk exposure and follow-on litigation if a proposed consent order is entered – bargaining for the best terms
- Deciding whether or not to appeal a consent order to the Commission – considering when an order is ripe for appeal

10:15

### From *Let's Move* to FTC Study Findings: Preparing for and Responding to Renewed Government Interest in Food Marketing to Children

**Kial Young**

Senior Attorney, Division of Advertising Practices  
Bureau of Consumer Protection  
**Federal Trade Commission** (Washington, DC)

**Elaine D. Kolish**

Vice President & Director  
**Children's Food and Beverage Advertising Initiative**  
(Arlington, VA)

- Discussing objectives for food industry self-regulation as outlined in the White House Task Force Report on Childhood Obesity
  - creation of a uniform, set of nutritional guidelines for food marketing to children
  - alternative approaches to in-store marketing to children
  - addressing healthy vs. unhealthy food classification
- Update on FTC findings concerning food marketing to children and adolescents

11:15

### Morning Coffee Break

11:30

### Upgrading your Promotion & Marketing Compliance Strategy to Meet New Requirements

**Jeanne O'Neill**

Marketing Counsel  
**Frito-Lay** (Plano, TX)

**Miriam Guggenheim**

Partner, Food and Drug Practice Group  
**Covington & Burling LLP** (Washington, DC)

- Complying with current and proposed guidance addressing the nutritional quality of food products marketed to children
- Preventing non-compliance in various promotional platforms specifically when marketing food products to children
  - television advertising and product placement – proposed changes to the CTA to address the evolution of digital media
  - food labeling
  - internet advertising – including advergames
  - in-school marketing
  - use of popular licensed characters in specially targeted food marketing
- Avoiding regulatory and litigation risks under state consumer protection laws
- Best practices for promoting the healthy qualities of your product without crossing the line into deceptive or unlawful marketing

12:30

### Networking Luncheon

1:45

### Ensuring Compliant Front-of-Package Labeling: How to Prevent Misleading & Unauthorized Nutrient and Calorie Labels Pitfalls Post-*Smart Choices*

**Jennifer Thomas**

Director, Division of Enforcement, Office of Compliance  
Center for Food Safety and Applied Nutrition  
**U.S. Food and Drug Administration** (College Park, MD)

**Sarah Roller**

Chair, Food & Drug Law Practice Group  
**Kelley Drye & Warren LLP** (Washington, DC)

- Deciphering the regulatory landscape currently applicable to food labels
  - 21 CFR parts 100-199
  - FD&C Act Chapter IV
  - Fair Packaging and Labeling Act of 1966
- Evaluating how proposed changes under the FDA's Front-of-Package Labeling Initiative could impact current business operations
- Developing an internal compliance program for pre-screening product labels to ensure truthfulness and accuracy
- Avoiding the use of "unauthorized" terms on your product label – how to assert specific nutrient content and health claims
- Responding to allegations of misbranding based on information included in nutrient content claims on food packaging
- Complying with guidance set forth in the FDA's October 2009 Letter Regarding Point of Purchase Food Labeling prohibiting the use of false or misleading claims on food packaging/labels that are inconsistent with nutrient content claim requirements under the FDCA
- Lessons learned from the Smart Choices Program

2:45

### **Ensuring the Success of Your Green Marketing Campaign: How to Structure Compliant Environmentally-Friendly, Natural and Organic Product Claims**

**Van H. Beckwith**

Partner, Litigation Practice Group  
**Baker Botts LLP** (Dallas, TX)

**Adam M. Ekonomon**

Director, Marketing, Advertising and Regulatory Law and Assistant General Counsel  
**The J.M. Smucker Company** (Orrville, OH)

- How to comply with new FTC guidance addressing environmental advertising claims as outlined in the "Green Guides" (Environmental Marketing Guides)
  - developing a "green" marketing campaign that addresses biodegradability and composting claims made on your food package label and in product advertising
  - structuring sustainability claims for food products
  - addressing the FTC's new treatment of certifications and seals as endorsements
  - testing the boundaries of new proposed guidance on free of/non-toxic claims for food products
- Effectively asserting avoidance claims while managing the liability risk presented by their use
- Discussing the application, success and use of the preemption doctrine in the context of food marketing cases alleging violations of state consumer fraud laws

3:30

### **Afternoon Refreshment Break**

3:45

### **Update on Current Legislative Proposals Impacting on Food & Beverage Marketing & Advertising**

**Dan Jaffe**

Executive Vice President, Government Relations  
**The Association of National Advertisers** (Washington, DC)

**Scott Faber**

Vice President, Federal Affairs  
**Grocery Manufacturer's Association** (Washington, DC)

**Dan Roehl**

Vice President, Industry Affairs  
**National Restaurant Association** (Washington, DC)

**Daniel Fabricant**

Acting Executive Director  
Natural Products Association – China  
Vice President, Global Government and Scientific Affairs  
**Natural Products Association** (Washington, DC)

**Panel Moderator:**

**Adam M. Ekonomon**

Director, Marketing, Advertising and Regulatory Law and Assistant General Counsel  
**The J.M. Smucker Company** (Orrville, OH)

- Commonsense Consumption Act of 2009 (H.R. 812) – prohibiting civil lawsuits for any injury related to obesity resulting from food consumption and weight gain
- Healthy Kids Act (H.R. 4053) – restoring the FTC's unfairness rulemaking authority over children's advertising
- Patient Protection and Affordable Care Act of 2010 – understanding new labeling requirements impacting retail food and vending machine operations under Section 4205
- Discussion of proposals to eliminate the tax deductions for certain food advertisements
- Update on self-regulatory efforts in food and beverage marketing
- Anticipating the impact on industry of the final guidelines from the Interagency Working Group (FTC, FDA, CDC, USDA) on food advertising directed to children 17 and under

5:00

### **Conference Adjourns to Day Two**



Cocktail Reception Sponsored By: **manatt**

## **Day Two – Friday, April 1, 2011**

8:30

### **Co-Chairs' Remarks**

#### **FOCUS ON CLAIMS**

8:35

### **Knowing What *Can* and *Cannot* Be Said When Making Specific Food Product Claims: How to Ensure Compliant Health, Nutrition, Benefit, Function and Mental Performance Claims**

**Vincent de Jesus**

Nutritionist  
Office of Nutrition, Labeling, and Dietary Supplements  
Center for Food Safety and Applied Nutrition  
**U.S. Food and Drug Administration** (College Park, MD)

**Kevin Goldberg**

Vice President and General Counsel  
**Nestlé Nutrition** (Florham Park, NJ)

**Panel Moderator:**

**Ivan J. Wasserman**

Partner, Advertising, Marketing & Media Division  
**Manatt, Phelps & Phillips, LLP** (Washington, DC)

- Delineating various types of food product claims and the regulatory requirements for making each –
  - nutrient and health
  - structure and function
  - mental performance and focus
  - disease
  - distinguishing when information provided on a food product label classifies as "optional information" under

21 CFR 101.81 (d) when making specific health and disease benefit claims

- Discussing under what circumstances a health claim that has been cleared through FDA's pre-market clearance procedures can be deemed –
  - unauthorized under the FDCA
  - an unapproved new drug specifically in the context of disease prevention claims
- Identifying what role the publication of clinical studies in peer reviewed scientific journals plays in claim evaluation by the FDA
- Evaluating the evolution of the standard used by FTC to assess claim substantiation
  - testing for active ingredients vs. inactive ingredients now required
  - comparison to test results to others in the industry
  - differentiating qualified vs. unqualified claims

9:45

### Claim Substantiation: Navigating the Intersection of FDA & FTC Oversight over Food Labeling and Advertising Claims

**Timothy S. Ernst**

Vice President & Associate General Counsel  
Del Monte Foods (San Francisco, CA)

**Denise Gough**

Vice President, Legal Affairs  
Scripps Networks (Knoxville, TN)

**Panel Moderator:**

**Linda A. Goldstein**

Partner & Chair, Advertising, Marketing & Media Division  
Manatt, Phelps & Phillips, LLP (New York, NY)

- How much evidence is enough – identifying what type and quantity of evidence is sufficient to meet FDA and FTC expectations for food and beverage product claims
  - scientific evidence and testing required
  - consumer surveys
  - taste and internal expert panels
  - market research firms
  - to reinvent or not to reinvent the wheel – knowing what marketing research already exists and how you can use it to create your product marketing
- Addressing product claims throughout the food supply chain – ingredient manufacturers to food processors/manufacturers to servers/restaurants
- Tackling the unique issues raised by integrating products or services in programming content when FTC or FDA disclosures are required
- How to balance the risk associated with creating appealing content against the need for accurate depictions of content
- Discussing what role consumer perception plays in food advertising and how to account for it when structuring your ads
- How to prevent the over-promotion of the therapeutic benefits of your food product

11:15

### Morning Refreshment Break

11:30

### Minimizing Downstream Risk & Exposure to Consumer Fraud Litigation Based on Claims of False and Deceptive Advertising

**Shani Thome**

Litigation Counsel  
The Coca-Cola Company (Atlanta, GA)

**Bruce Silverglade**

Principal

Olsson Frank Weeda Terman Bode Matz PC (Washington, DC)  
Former Director of Legal Affairs, Center for Science in the Public Interest

- Responding to implied and express warranty claims aimed at health benefits asserted on the package label
- Defending product representations to a jury
- Navigating the intersection of claims attacking food product marketing arising under false advertising law vs. common law alleging fraud and unjust enrichment
- Risk management strategies – steering clear of red flags –
  - outlining the appropriate role and use of actors in your product advertising
  - language – “clinically proven”

12:30

### Networking Luncheon

1:45

### New Product Launch: Implementing a Check and Balance System for Coordinating Marketing and Legal Objectives

**Donald R. Becker**

Division Counsel  
Yum! Brands, Inc. (Louisville, KY)

**Ash Mishra**

Senior Legal Counsel  
General Mills, Inc. (Minneapolis, MN)

**Panel Moderator:**

**Claudia A. Lewis-Eng**

Co-Chair  
Dietary Supplements, Cosmetics and Functional Foods  
Venable LLP (Washington, DC)

- Maintaining an open line of communication across departments when screening and developing promotional marketing – regulatory, sensory, marketing, legal
- Working with your marketing team to ensure transparency in product representations
- Avoiding the use of misleading content – how to detect when your marketing team has gone over the line
- Distinguishing “puffery” from promotional content that needs to be substantiated
- Establishing marketing and legal SOPs to select marketing claims that will – or not – be used – who decides and when?
- How to distinguish your product against –
  - previous versions of the same product
  - competitor's products and claims –
  - when and how they should be used in your product marketing
  - identifying effective means for utilizing comparative advertising for your food product
- Balancing industry guidance with the “letter of the law” when implementing a marketing compliance program

2:45

### Food Industry Self-Regulation & the NAD: A Discussion of How Far We've Come and How Far We Still Have To Go

**Kathryn L. Farrara**

Staff Attorney  
National Advertising Division (New York, NY)

- Responding to the call of “corporate accountability” and “un-healthy” food claims – what the industry can do to ensure compliant product marketing while also getting their message across

- Discussing what changes have been effected in food marketing based on the results of recent NAD cases
- How have food companies modified their internal marketing campaigns and compliance strategies in light of lessons learned through recent self-regulation cases

### 3:15 Afternoon Refreshment Break

### 3:30 Food Advertising in the Social Media and Online Space: Effectively Promoting Your Product While Controlling the Message and Preventing Downstream Liability

Allison Fitzpatrick

Partner, Advertising Marketing & Promotions Practice Group  
Davis & Gilbert LLP (New York, NY)

- Tailoring your company's practices to platform-specific guidelines
- Mitigating liability when engaging in online practices that might lure underage users
- Ensuring claims made and information conveyed on the internet accurately depicts product information including –
  - scientific information that is included in advertised health claims or product "labeling" online
  - product claims that can be linked to a specific intended use for treatment of a particular disease under the FDCA
- Engaging customers through interactive fan pages and blogs
- Responding to negative consumer commentary on social networking sites

### 4:00 Understanding Current FTC Guidance on Endorsements and Testimonials

Richard Cleland

Assistant Director, Division of Advertising Practices  
Federal Trade Commission (Washington, DC)

Sheila A. Millar

Partner, Advertising & Privacy Practice Groups  
Keller & Heckman LLP (Washington, DC)

- An update on the FTC's current thinking on how consumer, expert, and organization endorsements should be treated
- Understanding how a consumer's participation in a network marketing program that provides free food products and/or coupons for food products may impact the FTC's evaluation of the consumer review
- Anticipating when the connection between the endorser and the seller of the product may be interpreted as "materially affecting" the weight or credibility of the endorsement
- Avoiding allegations of misrepresentation based on a celebrity/actor's statement regarding the quality of the food product, including taste, health, function or performance claims and other physical attributes
- Disclaimers and disclosures – when and how should they be sited in a food product advertisement?
  - defining "clear and conspicuous" disclosure
  - what disclosure is required if a hidden camera is used?
- Identifying the threshold for what types of endorsements will be viewed as "deceptive," particularly with respect to food, dietary supplement and consumer health products
- Effectively utilizing endorsements of food products that include reference to points of taste and individual preference
- Recommendations for complying with the FTC's new treatment of certifications and seals as endorsements

### 4:45 Conference Concludes

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March 31 – April 1, 2011 | Westin Washington D.C. Center | Washington, DC

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<input type="checkbox"/> Conference & 1 Workshop <input type="checkbox"/> A or <input type="checkbox"/> B	\$2495	\$2595	\$2795
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\*ELITEPASS is recommended for maximum learning and networking value.

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### Interactive Working Groups – March 30, 2011

- A** Structuring and Overseeing Sweepstakes, Contests and Promotions for Food and Beverage Products: How to Prevent Legal and Regulatory Pitfalls
- B** The Anatomy of a Health-Benefit Claim: A Step by Step Guide to Compiling Effective Scientific and Medical Evidence to Support Your Claim Substantiation

### Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches, refreshments and complimentary membership of the ACI Alumni program.

### Payment Policy

Payment must be received in full by the conference date. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization.

### Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. **ACI reserves the right to cancel any conference it deems necessary or remove/restrict access to the ACI Alumni program and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by ACI for changes in program date, content, speakers, venue or arising from the use or unavailability of the ACI Alumni program.**

### Hotel Information

**American Conference Institute** is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the "ACI-Food & Beverage" conference to receive this rate:

Venue: Westin Washington, DC City Center  
Address: 1400 M Street NW, Washington, DC 20005  
Reservations: 202-429-1700 or 888-627-9035

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If you would like us to change any of your details please fax the label on this brochure to our Database Administrator at 1-877-927-1563, or email [data@AmericanConference.com](mailto:data@AmericanConference.com).

## 5 Easy Ways to Register

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[AmericanConference.com/foodmarketing](http://AmericanConference.com/foodmarketing)

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