

False Advertising & Unfair Trade Practices

Defending claims of false advertising & unfair trade practices



We are committed to helping you achieve your business goals and reduce risk by

- Assisting you to develop advertising campaigns and compliance guidelines focused on effectiveness and risk management
- Policing competitor claims, including targeted pre-suit resolution activities
- Representing your interests in false advertising and unfair competition claims brought by competitors, customers, Attorneys General, and the Federal Trade Commission
- Anticipating and avoiding regulatory and litigation risks

Interdisciplinary team

- Former in-house counsel for publicly traded companies, national financial institutions, pharmaceutical companies, national retailers, and the automotive industry
- Former Department of Justice lawyers
- Bank and SEC regulators
- Litigators to anticipate issues and handle disputes

Our clients range from small businesses to global corporations

Our diverse clients operate in a wide variety of industries and have different risk tolerances, but share the common goals of successfully promoting their businesses and focusing on value added by new and existing products. Our experience includes working with the following industries

- Automotive
- Pharmaceutical companies (Human and Animal Health)
- Medical Device companies

Related Practice Areas

Appellate Practice & Legal Strategies

Banking & Financial Services

Commercial Litigation & Business Torts

Consumer Financial Services

Consumer Product Safety, Risk Prevention & Regulatory Compliance

E-Discovery - Encompass

E-Discovery & Information Governance

Intellectual Property

Products Liability- Pharmaceuticals & Medical Devices

White Collar Defense & Government Investigations

Related Industries

Banking & Financial Services

Consumer Products & Retail

Healthcare

Manufacturing

Pharmaceuticals & Medical Devices

Technology

Transportation

- Packaging
- Hospitals and healthcare systems
- Banks and Financial Institutions
- Consumer Financial Services
- Manufacturing
- Consumer goods
- Building Products
- Hand tool
- Pet care
- Technology

Our team has the experience to help companies effectively promote their products and services, manage risks, and handle litigation

Our team has experience advising general counsels, executives, and product managers. Our team works with you to analyze and develop advertising campaigns that consider regulatory compliance, competitive positioning, effective messaging, and risk reduction. Additionally, the litigators on the team have a successful track record of mediating, negotiating, and efficiently resolving appropriate matters before they get to trial. Finally, our team includes trial lawyers who handle cases and arbitrate matters in state and federal courts, and before the National Advertising Division and the Federal Trade Commission.

Our team empowers our clients to focus on their business interests and revenue growth, while also refocusing on issues related to competitor and compliance challenges

- Analysis and development of advertising campaigns, focusing on effectiveness and risk avoidance
- Advertising and marketing counseling, including advice regarding product claims, competitive messages, regulatory compliance, and company-wide compliance guidelines
- Training in-house counsel, product teams, and sales forces regarding product claims, competitive messages, and compliance
- Policing competitor claims, including targeted pre-suit resolution activities
- Reviewing advertising messaging and conducting due diligence in mergers and acquisitions
- Handling competitor, consumer, class action, multidistrict, and Attorney General litigation regarding false advertising and unfair and deceptive trade practice claims
- Handling false advertising claims before the National Advertising Division
- Handling false advertising and unfair trade practice claims before the Federal Trade Commission
- Public relations strategy including timing, media approach, and content

Why Nelson Mullins?

- Substantial litigation and trial experience locally, regionally, and across the country on behalf of clients prosecuting and defending false advertising and unfair trade practice claims
- A thoughtful approach to litigation strategy that begins with the expectations and desired outcome of our clients
- Deep false advertising and unfair trade practice litigation experience and insight to help clients develop proactive competitive, compliance, and risk avoidance plans and advertising campaigns

Experience

Following is a selected sampling of matters and is provided for informational purposes only. Past success does not indicate the likelihood of success in any future matter.

- Represented major pharmaceutical and medical device companies, including compliance counseling, training, and litigation
- Represented major manufacturers in multiple industries in state and federal court false advertising/unfair trade practice litigation and with policing competitive messaging and compliance
- Represented major automotive manufacturers in false advertising litigation
- Represented major packaging companies, including in false advertising litigation before the FTC and in federal court and in development of company-wide sustainability action plans and policing competitive messaging in consumer advertising and business-to-business marketing
- Represented banks and financial institutions in consumer financial services litigation including unfair trade practice claims
- Conducted advertising and marketing due diligence in connection with multiple mergers and acquisitions
- Represented consumer products companies in false advertising litigation