

Advertising Practice

Faegre Drinker’s advertising practice provides sophisticated counsel to clients on the cutting-edge issues that define modern commerce and marketing strategy. Whether representing clients in false advertising litigation, drafting rules for high-profile consumer promotions, negotiating agency agreements, or navigating the complexities of digital advertising and influencer culture, our team of experienced professionals is invested in helping you build lasting consumer engagement.



False advertising challenges: Our creative and experienced litigators pursue false competitor claims and defend clients against allegations of unfair competition, both in courtrooms around the nation and in familiar forums such as the National Advertising Division of the Better Business Bureau. Companies of every size turn to Faegre Drinker attorneys because we know their business and we know what it takes to win.



Advertising and label review/regulatory compliance: We review product claims and advertising collateral for compliance with legal and regulatory standards for substantiation, comparative advertising and branded communications. Our team calls on deep industry-specific knowledge in key market sectors, including food and agribusiness, insurance, finance, health care and life sciences, consumer products and retail. Our interdisciplinary practice allows us to navigate the web of complex regulations that apply to regulated products in a variety of industries. We can help determine proper product categories, which will inform whether specific regulatory requirements apply and whether marketing claims are appropriate. We appear before federal and state regulators, including the FTC, FDA, USDA, EPA and the FCC. Whether advising on the intricacies of claims focused on health and wellness efficacy, environmental benefits, children’s products or nation of origin labeling, we help clients transform regulation into opportunity.



Sweepstakes, promotions and loyalty programs: We partner with clients on the design and administration of sweepstakes, contests and promotions, directed to both consumers and the trade, as well as rewards and loyalty programs, charitable tie-ins, price promotions, coupons, rebates and gift cards. We help develop rules and disclaimers, coordinate registration and bonding, and advise on how promotion techniques interface with social media and other digital platforms.



Social media, privacy and digital advertising: We understand the issues that arise in the context of new media advertising and marketing methods, including use of third-party content, online reviews, global privacy regulation and the Telephone Consumer Protection Act (TCPA). We routinely advise clients on the limits and opportunities relating to data collection and disclosure requirements, and the interface of these rapidly changing rules with new technology and communication platforms. We also provide counsel on commercial disparagement, defamation issues and the First Amendment.



Transactions and agency contracts: We structure, draft and negotiate a wide range of advertising, marketing and promotion agreements involving agency relationships, influencer programs, rights of publicity, trademarks and creative content.



Class action litigation: Our team is highly experienced in consumer fraud labeling and advertising class action litigation and has a proven track record of successfully defending clients in hundreds of national and state class, collective and multiplaintiff actions alleging consumer protection and false advertising claims.