

# Chambers USA and Legal 500 2020 Rankings

**Chambers**  
AND PARTNERS

## Nationwide Advertising Litigation – Band 3

**What the team is known for** Fields an impressive advertising offering with particular strengths in proceedings before the NAD and other regulatory bodies. Adept at handling litigation involving false advertising and unfair trade practices. Acts on behalf of clients from a broad range of industries, including food and beverages, consumer products and healthcare.

Strengths One source states: "The group consistently provides thoughtful and practical legal guidance."

A client comments: "The firm runs a fantastic service and has great expertise in this space."

"The team is very professional," according to one interviewee, who adds: "I have been very impressed. The lawyers are great at preparations, very straightforward and great communicators."

### **Notable practitioners**

[Christopher Cole](#) is considered a "go-to for advertising work," by a client, who adds: "He is very experienced and knowledgeable in advertising law and gives really good, practical advice." He offers considerable know-how in false advertising lawsuits and regulatory challenges. He receives praise for his "particular ability to understand the scientific side of advertising cases."

[Holly Melton](#) has a broad advertising practice, which includes false advertising litigation and enforcement proceedings. She also advises clients on regulatory compliance. One client comments: "Holly is a strong advocate and has a knack for simplifying complex issues. I find her to be an exceptional litigator."

[Lauren Aronson](#) is a counsel in the firm's advertising and media practice. She is developing her experience of NAD challenges and Lanham Act disputes. "Lauren is a sophisticated legal tactician," reports one client, who also highlights her "extremely strong written work product."



## Advertising & Marketing – Litigation – Tier 2

Crowell & Moring LLP is active across the entirety of the advertising litigation space, with recent cases involving consumer class actions, Lanham act litigation, and the representation of clients in investigations by state-level and federal institutions. The firm is particularly notable for its National Advertising Division practice, with Washington D.C.-based Christopher Cole handling a large number of NAD cases in recent years, dealing with the full spectrum of false and misleading advertising claims. Cole jointly leads the group along with Dave Ervin, who also operates from the D.C. office and focuses his practice on the intersection of advertising law and intellectual property issues, and Holly Melton, who sits in the firm's New York Office and specializes in government investigations, enforcement, and litigation, as well as large-scale consumer class actions. The firm is also involved in cases concerning several of the advertising market's hot-button issues, such as falsified customer reviews on e-commerce and consumer review sites, as well as more traditional misleading technical and marketing claims. Michelle Gillette retired in July 2019.

**Practice head(s):** Christopher Cole; David Ervin; Holly Melton

**Other key lawyers:** Lauren Aronson; Valerie Goo

**Key clients:** AT&T Services, Inc., Kimberly-Clark Corporation, Marriott, MillerCoors, Newell-Rubbermaid, Panera, Pret a Manger (USA) Limited, Whirlpool

### **Work highlights:**

- Representing Inuit before the NAD in a dispute with tax preparation software provider TaxSlayer concerning the use of TrustPilot user reviews where competing software had been omitted by surveys and competitors had not been properly assessed.
- Defending Pret a Manger and Panera in several lawsuits over allegations that their foods cannot be advertised as “natural” or “clean,” respectively, because certain food items allegedly contain trace amounts of glyphosate, an active ingredient in certain pesticides.
- Defended AT&T in a false advertising suit brought by Sprint in relation to AT&T’s ‘5G Evolution’ service and the ‘Just Okay Is Not Okay’ ad campaign promoting the service.
- Assisting MillerCoors with its false advertising claim against Anheuser-Busch in relation to 2019 Super Bowl commercials which claimed that certain MillerCoors products contained corn syrup.
- Acted for Novartis in a dispute with Janssen Pharmaceuticals over the inclusion of skewed data in marketing materials for its psoriasis medication which presented Janssen’s product as superior to Novartis’.



## Advertising & Marketing – Transactional & Regulatory – Tier 3

Crowell & Moring LLP are most notable for their presence before self-regulatory boards such as the NAD and NARB, as well as their representation of clients in their dealings with state and federal-level regulators. This track record provides a strong foundation for the firm's advisory and counselling practice, which includes claim substantiation, advertising risk assessment, regulatory compliance, and promotions and sweepstakes work. Given its strong regulatory focus, the team is led primarily from the firm's Washington DC office, where practice co-chairs Dave Ervin and Christopher Cole both sit. Cole is particularly active in compliance and claim substation work as well as risk management, while Ervin is more active on the agency and content relationships side, advising on sponsorship and endorsement, rights clearance, media placement, and SAG-AFTRA work. New York-based vice-chair Holly Melton is also recommended.

**Practice head(s):** Christopher Cole; David Ervin

**Other key lawyers:** Holly Melton; Lauren Aronson

### **Work highlights:**

- Provide advice to a digital health platform on risks associated with geotargeted advertisements, as well as advice on privacy and data security risks and compliance.
- Advising an American retailer with over 1,000 stores, regarding comparative advertising and pricing claims and counsel on proposed marketing strategies.
- Assisting a data-driven internet company that specializes in web publishing in connection with Telemarketing Sales Rule (TSR) and Telephone Consumer Protection Act (TCPA) compliance, as well as advertising risk and privacy/data security.
- Advising digital publication regarding advertising and copyright issues and negotiating adtech, publishing and media placement agreements.



## [World Trademark Review - WTR 1000 \(California\)](#)

Newly featured in the California rankings this year, Crowell & Moring maintains a dynamic and now solidified litigation practice on the West Coast that should not go unnoticed. Kent Goss and Valerie Goo form a tailor-made strike force for companies such as Textron, which they are representing in a nuanced case regarding the trademarking of product model numbers in the aviation industry. The two experienced trial lawyers combine intellectual and street smarts and are good writers, oral advocates and strategists that you can trust to go the distance and win in the courtroom. Service minded, too, they are responsive and keep clients informed as cases progress.