

Advertising Law Institute

September 29-30, 2022

Event Sponsor: PLI

September 30th - 10:00 AM PDT What's the Deal about Dark Patterns?

Dark patterns have become a regulatory and enforcement hot button, and this focus should be of concern not only for those whose clients engage in negative option programs but also for lawyers with clients who are putting together platforms where consumers provide their personal information. Whether a sweepstakes sign-up, an e-commerce platform or other interactive forum, both US and EU regulators are increasingly concerned that consumers might get “tricked” into giving consent or sharing more than they necessarily wanted to. After completing this session, participants will be able to:

- Recognize what both the FTC and the European Data Protection Board view as “dark patterns”
- Advise clients on ways to avoid allegations that they have deceived consumers into providing consent
- Develop mechanisms to be clear about data use practices and to avoid deception
- Understand what constitutes a privacy maze, continuous prompting, skipping, and more
- Identify common advertising programs where allegations of dark patterns might arise

Presented by: Liisa M. Thomas, Partner, Sheppard Mullin

September 30th - 11:15 AM PDT Behavioral Advertising in a Big Data and Cookie-less World

Few advertisers have a passive online presence. It is common to gather information about users and customize content to their preferences. As new laws begin to come into force that impact these activities, and as technologies change, how can advertisers adapt? During this session, you will learn what considerations advertisers should keep in mind in this increasingly complex landscape.

After completing this session, participants will be able to:

- Summarize legal updates that may impact your online customization activities
- Anticipate changes to technology that your business teams may introduce in the coming months
- Identify red flags when negotiating vendor agreements

Presented By: Liisa M. Thomas, Partner, Sheppard Mullin and Robert H. Newman.

September 30th - 2:15 PM PDT Sustainability, Climate and More: Implications for Green Claims Today

Green claims abound in today's marketplace, and eco-friendly companies are attractive to consumers today. How should companies responsibly manage messaging to consumers while minimizing risk for challenges?

After completing this session, participants will be able to:

- Explain how environmental policies are shaping the landscape for environmental claims
- Describe the current legal landscape for key environmental claims
- Identify when an environmental claim is a health claim
- Develop strategies for avoiding environmental claims substantiation challenges
- Summarize recent developments including the ICC Framework for Responsible Environmental Marketing Communications

Presented By: Rachel Tarko Hudson, Partner, Sheppard Mullin

For more information and/or to register, please [click here](#).

Attorneys

Rachel Tarko Hudson

Liisa M. Thomas

Practice Areas

Advertising

Privacy and Cybersecurity