

5 KEY TAKEAWAYS

2025 ANA Masters of Advertising Law Conference

Kilpatrick's advertising law team attended the "[2025 ANA Masters of Advertising Law Conference](#)" in Chicago from November 3-5. Kilpatrick lawyers [Barry Benjamin](#) and [Bryan Wolin](#) were honored to present on the topic of social media takedowns, joined by **Mannu Harnal** (Associate General Counsel – Head of Intellectual Property & Business Affairs, CELSIUS Holdings, Inc.) and **Tali Alban** (Senior Counsel, Marketing & Community Operations, Uber) for a panel discussion.

Below are the key highlights and takeaways from the conference and Kilpatrick's presentation:

1

IP Rights Offer Effective Tools for Social Media Takedowns:

Social media platforms have well-established systems for removing content that infringes trademark and copyright rights. Advertising lawyers should be well-versed in their clients' IP rights, as these can provide a much easier avenue for removing unsubstantiated competitor claims or influencer content, without the need to navigate complex evidentiary requirements. Barry and Bryan provided in-depth guidance on leveraging these systems, supplemented by valuable insights from Mannu and Tali.

2

Green Claims are Red Hot:

These days, the federal government is less likely to take enforcement action against false or misleading green claims. Many states are stepping in, issuing new regulations and rules across a wide range of common green claims. This presents new challenges for businesses engaged in interstate sales, requiring compliance with a patchwork of state regulations rather than a single, clear federal standard.

3

Give your Health Claims a Checkup:

Health claims are receiving heightened scrutiny at both the state and federal levels. Speakers discussed new ingredient bans, regulations targeting supplements and energy drinks, and more. Companies can no longer rely on simply complying with the strictest regulations—historically those from California—because different states and regulators are now promulgating a range of rules that can't be neatly classified on a spectrum from "least" to "most" restrictive. Industry has begun to push back against some of these state-level efforts, citing preemption grounds.

4

FTC's Expanded Focus on Unfair Practices:

The Federal Trade Commission is exercising its enforcement authority more aggressively to pursue unfair tactics that are not necessarily false or deceptive. A key area of focus is the use of unnecessary "friction" to wear consumers down and induce additional spending. This includes addictive app design, obstacles to unsubscribing from services, "dark patterns," and other increasingly prevalent marketplace strategies.

5

NAD's New Referral Tactics and AI Focus:

The surge in AI-related advertising claims has reached the National Advertising Division (NAD), which recently added a staff attorney dedicated exclusively to AI advertising issues. NAD also discussed its expanded scope of referrals for non-compliant advertisers. While the FTC remains the primary referral source, NAD has begun referring advertisers to the FDA, EPA, SEC, state attorneys general, and other authorities.

The conference provided attendees with a great overview of advertising law and a range of related niches.