

**Attorney
Biography**

Christie L. Grymes



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Christie Grymes is a partner in the firm's Washington, D.C. office and chair of the Consumer Product Safety practice group. She focuses her practice on consumer protection matters, including advertising, product safety, competitor challenges, promotions and privacy.

Ms. Grymes counsels clients in all aspects of regulatory compliance, with a focus on statutes and regulations enforced by the Federal Trade Commission (FTC), Consumer Product Safety Commission (CPSC) and state Attorneys General.

Ms. Grymes has experience handling various phases of marketing products. She reviews advertisements and marketing materials for all media, including television, print, Internet and telephone, to determine compliance with relevant regulations and the risk of challenge from regulators, competitors, or consumers. Ms. Grymes challenges competitors' advertising before the National Advertising Division (NAD) of the Council of Better Business Bureaus and in federal court. She responds to inquiries and complaints from regulators, competitors and consumers.

Ms. Grymes also advises clients to ensure that products on the market meet applicable safety standards, including complying with the Consumer Product Safety Improvement Act (CPSIA). This work includes developing product safety compliance programs, analyzing potential reporting obligations, responding to Freedom of Information Act requests, implementing product recalls, and defending against enforcement and penalty proceedings with the CPSC.

Practice Areas:

Advertising and Marketing
- FTC and State AG Investigations
- Lanham Act Litigation
- NAD Proceedings
- Promotions
- New Media Marketing
- Green Marketing
Consumer Product Safety
Privacy and Information Security

Representative Experience:

Consumer Product Safety

Represented manufacturers, distributors and retailers in civil penalty investigations that the CPSC staff closed without the issuance of a penalty.

Represented manufacturers, distributors and retailers in the recall of millions of products, including toys and games, home appliances, children's clothing, air filtration systems, sporting goods, and fire and security alarm systems.

Represented a national department store to settle a civil penalty investigation involving drawstrings in children's clothing.

Filed comments on behalf of a trade association of lawn and garden equipment manufacturers and its members in a regulation review proceeding.

Advertising Challenges

Represented a maker of carpet cleaners in a Lanham Act case challenging comparative superiority claims made by a competitor in connection with its steam vacuum products.

Represented Nextel in a network challenge followed by two Lanham Act cases challenging implied superiority and establishment claims made by Verizon Wireless in connection with a new product launch.

Represented a maker of carpet cleaners in the appeal to the National Advertising Review Board (NARB) of an NAD decision in which the NAD ruled that a competitor had provided reliable testing that could substantiate the claim that their steam vacuum out cleans all other leading brands. The NARB determined that the competitor's testing did not demonstrate a meaningful difference between products, and therefore that the competitor did not meet the burden of demonstrating that its testing demonstrated superiority.

Represented one of the world's largest dating web portals before the NAD in a case challenging a competitor's claims. The NAD found that one of the competitor's claims is expressively comparative, unsupported by the record, and outside the realm of puffery, and also concluded that another claim is an objectively provable claim that is unsupported by the record and is not puffery. The competitor discontinued both advertising claims.

Represented a chemistry trade association before the NAD in a case challenging advertising claims made by a maker of baby bottles. The claims at issue attempted to exploit a minority of scientific opinion in the sale of baby bottles that do not contain bisphenol-A. The NAD agreed that the claims were unsubstantiated and recommended that they be discontinued.

Represented a national marketer of nutritional supplements in litigation filed by the Department of Justice alleging violations of a prior FTC order.

Commercial Co-Ventures and Charitable Promotions

Represented Converse in structuring and advertising a promotion for the (RED) Campaign, in which a portion of proceeds from the sale of certain sneakers are donated to The Global Fund to Fight AIDS, Tuberculosis and Malaria.

Represented Nike in structuring and advertising a promotion in which a portion of the proceeds from specially marked products go to ninemillion.org., a global campaign founded by the United Nations High Commissioner for Refugees (UNHCR) to bring education and sport programs to the world's refugee youth.

Represented a DVD rental subscription company in structuring and advertising a promotion to benefit Feeding America.

Represented Nike in structuring and advertising a promotion in which a portion of proceeds from the sale of Lance Armstrong's **LIVESTRONG**

bracelets and specially marked clothing are donated to the Lance Armstrong Foundation.

Honors and Awards:

Named one of *SmartCEO* magazine's "Washington Legal Elite," 2007.

Memberships and Associations:

American Bar Association, Section of Antitrust Law, Vice-Chair, Consumer Protection Committee

Pro Bono:

Represent The Nature Conservancy on charitable promotions and contractual relationships with vendors and marketing partners.

Community Activities:

Coca-Cola Scholars Foundation, National Selection Committee, Alumni Advisory Board

Publications:

"Going Green Without Giving Up Your Greenbacks," *Advertising Compliance Service*, December 21, 2009.

"Legal Tips On Cause Marketing Promotions for Mobile and Other Media," *Mobile Marketer*, February 2009.

"New Civil and Criminal Penalties under the 2008 CPSIA," *In-House Defense Quarterly*, 2009, with Mark Austrian.

"The Year of the Recall': CPSC Lessons to Learn," *Metropolitan Corporate Counsel*, June 2008.

"Cause Marketing: How to Avoid the State Treasurer's Coffers from Becoming the Beneficiary of Your Charitable Promotion," *Metropolitan Corporate Counsel*, February 2007.

"The Do-Not-Call Quagmire: Federal Court Rulings Block Implementation But FTC and FCC Are Set to Enforce," *The Antitrust Source*, November 2003.

"Substantiating Claims for Over-the-Counter Drugs at FTC: How Much is Enough?," *Pharmaceutical Law & Industry Report* (No. 14, Vol. 1), 2003.

Client Advisories:

"CPSC Announces First Civil Penalty Enforcing CPSIA: Daiso Agrees to Create Product Safety Program, to Audit All Products, and to Pay \$2 Million Civil Penalty," March 12, 2010

"Ramirez and Brill Confirmed as FTC Commissioners," March 04, 2010

"CPSC Extends Stay of Enforcement on Lead-Content Testing and Certification and Lifts Stay on Other Products," January 07, 2010

"FTC Issues Final Sweeping Changes to Endorsement and Testimonial Guides

Guidelines Effective As of December 1, 2009," October 15, 2009

"As Civil Penalties Increase, CPSC Issues Interim Final Rule Identifying Factors to Consider for Determining Penalty Amounts," August 27, 2009

"Senate Confirms Two New Commissioners, Bringing Consumer Product Safety Commission to Full Force," August 10, 2009

"CPSC Releases Policy Statement and FAQs on CPSIA Tracking Label Requirements," July 24, 2009

"Tenenbaum Sails Through Senate Confirmation as Chair of CPSC," June 22, 2009

"Compliance with CPSIA Tracking Label Provision Required by August 14, 2009 — Relief from CPSC or Congress Not Likely," May 26, 2009

"Increasing Numbers: President Obama Nominates CPSC Chairman and Commissioner and Proposes More Money for CPSC," May 06, 2009

"FTC Chairman Appoints New Director of the Bureau of Consumer Protection," April 16, 2009

"Consumer Product Safety Commission Reporting FAQs," March 02, 2009

"President Obama Plans to Appoint Jon Leibowitz Chairman of the FTC," February 27, 2009

"Proposed Changes to Massachusetts Advertising Regulations," February 10, 2009

"A Game-Time Decision: NY Federal Court Says Phthalates Ban Applies to Products in Inventory and on Store Shelves," February 06, 2009

"CPSC Issues Stay Of Enforcement For Certain Testing & Certification Requirements," February 03, 2009

"EPA Review of Nano-Silver Products Raises Significant Regulatory Issues Concerning Antimicrobial Claims and EPA, FDA, and CPSC Jurisdiction Concerning Nanotechnology Regulation," December 15, 2008

"CPSC Action on New Product Safety Legislation Continues: Some Relief for Compliance with Certification, Advertising, and Phthalate Requirements," November 24, 2008

"Federal Product Safety Legislation Takes the Stage, But States Still Acting," November 10, 2008

"New CPSIA Regulations Become Effective November 12, 2008," October 20, 2008

"President Signs Consumer Product Safety Improvement Act of 2008 Into Law," August 14, 2008

"Federal Trade Commission Unwinds Green Textile Claims and Frames Up Green Building Claims," August 13, 2008

"House and Senate Appoint Conferees to Sweeping CPSC Legislation: Final Lap for Legislation with Major Implications for Manufacturers, Importers, and Retailers," May 15, 2008

"FTC Reauthorization Act of 2008," April 11, 2008

"Senate Passes Sweeping CPSC Legislation," March 13, 2008

"EPA Requires Manufacturers and Importers of Children's Products to Report Information on Potential Lead Content and Exposure," February 19, 2008

"Sweeping CPSC Legislation Moves Closer to Enactment," December 19, 2007

"Consumer Product Safety Commission FAQs," November 07, 2007

"TCPA Does Not Preempt State Telemarketing Statutes," May 09, 2007

"FTC's Workshop on Negative Option Marketing," February 02, 2007

"Endorsements and Testimonials in Advertising: FTC Request for Comments," January 19, 2007

"Novel Class Actions Seek Application of California Eavesdropping Law to Ordinary Course of Business Telephone Monitoring and Recording," November 10, 2006

"New State Privacy Laws: Regulating the Use of Social Security Numbers and Requiring Wireless Security Warnings," October 10, 2006

"CPSC Issues Proposed Rule on Factors to Determine Civil Penalty Amounts," July 04, 2006

"House Judiciary Committee Passes Data Security Bill," May 30, 2006

"FTC Settles Privacy Case With Nations Title Agency," May 16, 2006

"House Energy and Commerce Committee Passes Data Security Bill," March 31, 2006

"FTC Settles Landmark Data Security Breach Case," June 21, 2005

"Rules of the Road: Following Unsolicited Commercial Email (UCE) Requirements," January 01, 2005

Speaking Engagements:

"Descriptive or Deceptive? How to Avoid the Risks in Green Marketing," *2009 American Home Furnishing Alliance (AHFA) Sustainability Summit*, Greensboro, NC, December 2, 2009.

"Patrolling Advertising Frontiers: Fighting and Defending Claims In Recent Advertising Cases," *American Bar Association Section of Antitrust Law 57th Annual Antitrust Spring Meeting*, Washington, DC, March 25, 2009.

"Consumer Product Safety Improvement Act – What the Legislation Means for Manufacturers," *Product Liability and Product Safety Council Meeting*, MAPI Manufacturers Alliance, October 23, 2008.

"Falsity Fallout: The Evolution of the Falsity Standard in Recent Advertising Cases," *56th Antitrust Law Spring Meeting*, American Bar Association, Washington, DC, March 26, 2008.

"How to Create A Successful CPSC Compliance Program," *Kelley Drye Continuing Legal Education Seminar*, New York, NY, November 13, 2007.

November Consumer Protection Update, ABA Section of Antitrust Law Teleseminar, November 5, 2007, with Jen Ngai and Katie Rogers.

"Developments in Deception: The Evolution of the Deception Doctrine in False Advertising Law Through Recent Cases and Enforcement Actions," *55th Antitrust Law Spring Meeting*, American Bar Association, Washington, DC, April 18-20, 2007.

"Avoiding Legal Risks in Stealth, Peer, and Viral Marketing," *Corporate Counsel Forum on e-Marketing and Privacy Law*, American Conference Institute, Las Vegas, March 19-20, 2007.

Bar Admissions:

District of Columbia, 1999

Maryland, 1998

Courts:

U.S. Supreme Court

Education:

George Washington University Law School, J.D., 1998

University of Texas - Austin, B.B.A., 1994

Office Location:

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