
New Director of Consumer Protection Addresses Leaders at ABA Conference: Focuses on Enforcement and Privacy

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David Vladeck, the newly-appointed Director of the Federal Trade Commission's Bureau of Consumer Protection, gave his first public remarks at the American Bar Association's Consumer Protection Conference in Washington, D.C. on June 18, 2009.

Vladeck stressed the importance of increased authority for the FTC, noting that the FTC should have the same tools as other agencies, including the civil penalty authority that is incorporated in the FTC Reauthorization Act (S.2831), which is now pending before Congress.

Enforcement will continue to be a major focus of the Bureau under Director Vladeck. In particular, he noted plans to step up the Bureau's aggressive law enforcement program in the area of economic fraud. This is no surprise, as he detailed the toll the economic crisis has taken on consumers in the form of mortgage rescue, debt consolidation, and similar scams.

Director Vladeck also said that the Commission will reevaluate the Commission's consumer privacy program. He argued that neither the notice and consent theory, promoted by the Commission under former Chairman Pitofsky, nor the harm theory, promoted by the Commission under former Chairman Muris, have provided a complete solution to consumer privacy protection, and that he will therefore solicit views from across the spectrum on how to develop a privacy program for the Leibowitz-led Commission. He also noted that the Bureau will maintain its focus on behavioral advertising (that position was emphasized in a [letter](#) sent by the Commission on the same day to the House Subcommittee on Commerce, Trade, and Consumer Protection), as well as on advertisements directed to vulnerable consumers, such as children and teens.

The Consumer Protection Conference, co-chaired by John E. Villafranco, partner at Kelley Drye & Warren LLP, and Rebecca Tushnet, professor at the Georgetown University Law Center, brought together leading government enforcers, public interest lawyers, academics, and private practitioners.

Kelley Drye & Warren LLP

The attorneys in Kelley Drye & Warren's [Advertising Law practice group](#) have broad experience at the FTC, the offices of state attorneys general, the National Advertising Division (NAD), and the networks; substantive expertise in the areas of advertising, promotion marketing and privacy law, as well as consumer class action defense; and a national reputation for excellence in advertising litigation and NAD proceedings. We are available to assist clients with developing strategies to address issues contained in this Advisory.

For more information about this Client Advisory, please contact:

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