

Ad Law News and Views - May 1, 2021

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RECENT NEWS

NEW NEWSLETTERS

Kelley Drye has recently launched two new newsletters:

Made in USA Tracker

The Made in USA newsletter helps you to monitor and stay up-to-date on Made In USA issues at the Federal Trade Commission

DirectConnect

DirectConnect is our newsletter covering legal and regulatory developments for the direct sales industry.

You can subscribe to either newsletter by emailing jscurry@kelleydrye.com or by visiting our [Insights](#) page.

FROM THE BLOGS

Congressional Democrats Sound the Alarm, Rally In an Effort to Restore Pre-AMG 13(b) Enforcement Authority

Less than a week after the Supreme Court's unanimous [decision](#) in *AMG Capital Management v. FTC*, two Congressional committees zeroed in on the FTC's hollowed-out Section 13(b) authority, the fate of which now lies squarely with Congress. Leading Democrats in both chambers have expressed the urgent need for legislation to clarify and strengthen the statute in *AMG's* wake. As stated by House Energy and Commerce Committee Chairman Frank Pallone (D-NJ) on Tuesday, "What my colleagues and I have been saying for over a year was a problem is now an emergency." Republicans, on the other hand - while sympathetic to the FTC's plight - are increasingly advocating for "guardrails" to prevent unbounded use of the agency's Section 13(b) authority, should it be restored.

Ninth Circuit Moves Quickly to Apply AMG

The 13(b) dominoes are beginning to fall. [Last week](#), a unanimous *AMG* Court found that Section 13(b) does not allow for monetary remedies. A panel of the Ninth Circuit, in *Federal Trade Commission v. Cardiff et al*, quickly took that decision to heart.

Lina Khan Confirmation Hearing Signals Potential Big Changes for FTC

Lina Khan's nomination to be an FTC Commissioner took an important step forward on April 21 with her [testimony](#) before the Senate Commerce Committee. Unsurprisingly, Khan's testimony underscored her interest in ramping up antitrust scrutiny of large internet platforms.

PODCASTS

Privacy Compliance Tech-Tools and Strategies

Kelley Drye Partner [Alysa Hutnik](#) discusses the state of privacy, tracking, compliance technology and tools, and strategies privacy lawyers and others can use to help do their jobs. As you would expect, there are some practical tips to take away.

Top Environmental Social & Governance (ESG) Concerns for Corporate Boards

Senior Associate [Courtney Kleshinski](#) provides a roadmap for boards to take tangible steps towards identifying their [ESG](#) goals and start to clearly define what their company stands for beyond maximizing shareholder value. Read our advisory [here](#).

UPCOMING EVENTS

Wage & Hour Laws: How To Avoid Common Pitfalls

May 18, 2021,"Webinar
12:30 - 1:30 PM ET

The DOL's Wage and Hour Division recovered a record \$322 million in wages owed to workers in 2019 and found, on average, \$1,025 for each employee due back wages. As employers face employees become more informed about their rights, employers should also stay on top of the ever-changing federal and state wage and hour laws to avoid run-ins with the Department of Labor and state labor agencies.

Join the Kelley Drye [Labor and Employment](#) team for a detailed review of today's wage and hour laws and coverage of the most commonly made errors, including:

- Misclassifying Non-Exempt Employees As Exempt
- Failing To Recognize What Time is Compensable
- Misclassifying Employees As Independent Contractors
- Failing To Comply With Both State And Federal Wage And Hour Requirements

Click [here](#) to register for this and other webinars in the WOKing Lunch Series.

To see more upcoming Kelley Drye events, [click here](#). We hope to see you soon.