

Partner John E. Villafranco Quoted Regarding Ruling in Case Over Deceptive Infomercials

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In a *National Law Journal* article titled "1st Circuit Upholds FTC's Win in Case Over Deceptive Infomercials," partner John E. Villafranco was quoted. The article discussed the U.S. Court of Appeals for the 1st Circuit ruling which upheld a lower court's nearly \$49 million judgment for the Federal Trade Commission, giving the agency a total win in a multi-pronged deceptive advertising case against an infomercial company.

The ruling supports the position that disgorgement is generally the appropriate remedy in these kinds of situations, Mr. Villafranco said. "Even though in the end what the FTC ultimately got was a restitution-like number, the district court [and 1st Circuit] determined that the correct remedy was disgorgement due to the failure on the part of the defendants to come up with any reliable data to support the offset [of their costs from their profits]."