

Practical Law The Journal Interviews Partner John E. Villafranco on Consumer Surveys in False Advertising Cases

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Partner John E. Villafranco was interviewed for the GC Agenda section of the October 2011 *Practical Law The Journal* regarding consumer surveys in false advertising cases. Companies that rely on consumer surveys in litigating false advertising claims should review a recent Third Circuit decision holding that a court may disregard a consumer survey when no reasonable interpretation of an advertisement could lead to the conclusion that it is false or misleading. This decision may enable parties that have been sued for false advertising to successfully defend against these claims without providing a rebutting survey, provided they can show that no reasonable consumer could be misled by the challenged advertising.