

The Most Important Consumer Protection Developments of 2012

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William C. MacLeod Announces the Jodie Awards

It was the biggest year in history for one type of advertising – the pitches for political campaigns. That territory may still be the Wild, Wild West as far as consumer protection is concerned, but agencies, private litigants and companies themselves have turned in a banner year for the consumer. The year began with the appointment of potentially the most powerful cop in the field – the Director of the Consumer Financial Protection Bureau. It ended with the confirmation of the newest Commissioner of the Federal Trade Commission. In between, we witnessed some amazing developments that will change the landscape for as long as we survey it.



At the American Bar Association Consumer Protection Conference on February 7, Kelley Drye partner William C. MacLeod presented the 2012 Consumer Protection Awards. Nicknamed the “Jodies” in honor of former director of the FTC’s Bureau of Consumer protection Jodie Bernstein, the awards recognized the most important developments in ten areas of consumer protection. The finalists included:

- **Market Initiatives:** FTC Finds Kids Eating Better, Praises Food Companies for Initiative
- **My Media:** FTC Investigates Data Brokers’ Collection and Use of Consumer Data
- **Privacy:** FTC Issues Final Privacy Report
- **Economics:** Economics of Privacy
- **Consumer Finance:** Cordray Appointed to Head CFPB
- **Private Actions:** Courts Reject Theory that Unsubstantiated Advertising is Deceptive
- **Constitution:** Supreme Court Upholds Patient Protection and Affordable Care Act
- **State Enforcement:** California Puts Social Media Passwords Off Limits for Employers, Schools
- **Federal Enforcement:** Ohlhausen Confirmed as FTC Commissioner & Vladeck Steps Down
- **Advertising:** Skechers to Pay \$40M Over Allegedly Unsubstantiated Claims for Toning Shoes

And the winner for the most important consumer protection development of 2012 was the Supreme Court’s decision to uphold the Patient Protection and Affordable Care Act.

For more on the nominees in each category, please reference the article, [“2012: A Consumer](#)

Protection Year in Review.”