



Amy Ralph Mudge

Counsel

Amy Mudge practices in the areas of antitrust and consumer protection. She has represented clients in a wide variety of industries, including cigarettes, agriculture, Internet services, pharmaceuticals, dietary supplements, and car rentals. Ms. Mudge has represented clients before the Federal Trade Commission (FTC), Department of Justice, state attorneys general and the self-regulatory National Advertising Division, as well as in private federal and state litigation. She has significant experience establishing effective compliance programs and providing antitrust and marketing law training to both lawyers and nonlawyers. She is a co-editor for the blog on consumer marketing legal issues, www.consumeradvertisinglawblog.com.

Representative Matters

Antitrust Matters

- GlaxoSmithKline in *In re Wellbutrin SR Antitrust Litigation*, defending current monopolization class actions asserting that patent infringement actions were shams designed to keep generic competitors off the market
- Philip Morris USA in *RJ Reynolds Co. v. Philip Morris*, a monopolization challenge alleging that shelf space/category management program improperly excluded competitors, successfully defeated on summary judgment
- Guardian Industries in *In re Flat Glass Antitrust Litigation*, price fixing cases coordinating activities in multidistrict court action, as well as multiple state court cases, resulted in favorable settlement
- Fair Labor Association providing antitrust counseling to organization and its members dedicated to eliminating sweatshop conditions in the apparel and footwear industry

Consumer Protection Matters

- Represent consumer vision products manufacturer in FTC investigation regarding Made in USA claims, favorably settled
- Budget Rent A Car System, Inc. in connection with an FTC

Contact Information

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Practice Areas

Antitrust/Competition
Telecommunications, Internet,
and Media
Consumer Protection and
Advertising

Education

JD, *cum laude*, Cornell Law
School, 1995

BA, Smith College, 1990

Admissions

District of Columbia

investigation related to fuel charges, favorably settled, and a putative consumer class action, voluntarily dismissed after dispositive motion briefing

- Mobile Content Provider and Aggregator before the FTC and the Florida Attorney General in investigations related to mobile content marketing and billing, favorably settled
- VeriSign before the FTC in investigation related to alleged misleading marketing practices, resolved favorably by persuading FTC to accept class action settlement in lieu of consumer redress
- Viacom with respect to an FTC investigation into marketing of violent entertainment to teens
- Dietary supplements manufacturer in an FTC investigation related to weight loss claims, favorably settled
- Providing general advertising and marketing advice to clients including Luxottica, Philip Morris USA, Dollar Tree, Swarovski, and Sanderson Farms

Professional and Community Activities

- **American Bar Association**
 - Chair of the Private Advertising Litigation Committee of the American Bar Association (ABA) Antitrust Section
 - Vice-Chair of the Health Care and Pharmaceuticals Committee of the American Bar Association (ABA) Antitrust Section (2008–2009)

Blogs

- Amy Ralph Mudge, Robert Pitofsky and Randal M. Shaheen. "Consumer Protection and Advertising Blog" 2010.

Articles

- Amy Ralph Mudge and Randal M. Shaheen. "Current Issues in Dietary Supplement Marketing" FDLI Update November/December 2008.
- Randal M. Shaheen, Amy Ralph Mudge and George Langendorf. "Made In The U.S.A., Except In California" Advertising Compliance Service, July 7, 2008.
- Randal M. Shaheen, Amy Ralph Mudge and Matthew Shultz. "Carbon Neutral: The New Green - Substantiation Issues for the Next Generation of Environmental Claims" *The Antitrust Source* December 2007.
- Ronald D. Lee and Amy Ralph Mudge. "Reasonable Security: The FTC's Focus on Personal Privacy Initiatives Highlights the Importance of Integrated Information Security Programs" *Privacy & Data Security Law Journal*, June 2006.
- Robert Pitofsky, Randal M. Shaheen and Amy Ralph Mudge. "Pricing Laws are No Bargain for Consumers" Antitrust, Summer 2004.

Presentations

- Amy Ralph Mudge. "HospitalityLawyer.com Hospitality Law Conference" Antitrust for General Counsels in the Hospitality Industry, Houston, TX, February 3, 2010.
- Amy Ralph Mudge. "FDLI's Food Hot Topics Conference" Moderator for Claims Substantiation and Fraud Issues Litigation Panel, Washington, DC, January 28, 2010.
- Danielle M. Garten and Amy Ralph Mudge. "November 2009 Developments in Consumer Protection Law" ABA Antitrust Section Consumer Protection and Private Advertising Litigation Committees Brown Bag, December 7, 2009.
- Amy Ralph Mudge, Randal M. Shaheen and Randall Miller. "Recent Developments in Pharmaceutical Marketing Enforcement and Litigation" ABA Antitrust Section Private Advertising Litigation Committee Brown Bag Panel September 14, 2009.
- Amy Ralph Mudge. "Ethical Issues Regarding Advising Clients on Antitrust Issues" Eastern Hospitality Law Conference, Baltimore, MD, June 1, 2009.
- Amy Ralph Mudge. "Going Green v. Seeming Green: Current Issues in Environmental Marketing Substantiation" North Carolina Bar Association 2009 Business Law and Corporate Counsel Section Annual Meeting, Pinehurst, NC, February 20, 2009.
- Amy Ralph Mudge. "Antitrust Traps in the Hospitality Industry" HospitalityLawyer.com Hospitality Law Conference, Houston TX, February 9, 2009.
- Amy Ralph Mudge. "Recent Developments in Dietary Supplements Enforcement, Regulation and Litigation" ABA Antitrust Section Health Care Committee Brown Bag Panel, January 16, 2009.
- Amy Ralph Mudge. "Focus on Consumer Litigation: Strategies for Minimizing Liability" ACI 2nd Annual In-House Counsel Forum on Dietary Supplements, Nutraceuticals and Functional Foods, New York, NY, June 11, 2008.
- Amy Ralph Mudge. "Informa Life Sciences EU Pharmaceutical Law Forum - US Antitrust Issues in Lifecycle Management" Brussels, Belgium, May 23, 2007.
- Amy Ralph Mudge. "Antitrust Issues with Drug Pricing" ACI's 5th Annual In-House Counsel Forum on Government Regulation of Prescription Drug Pricing, March 2007.

Advisories

- "Federal Reserve Proposes Rules to Restrict Fees and Expiration Dates on Gift Cards." Dec. 2009.
- "Commissioner Jon Leibowitz Named FTC Chair." Mar. 2009.
- "FTC Examines Marketing Food to Children and Adolescents." Jul. 2008.
- "FTC Examines Marketing Of "Green" Buildings And Textiles." Jul. 2008.
- "FTC Examines Green Packaging Claims." May. 2008.
- "FTC Issues Staff Report On Consumer Protection Challenges Arising From Emerging Technologies." Apr. 2008.
- "FTC Examines Carbon Offset & Renewable Energy Certificate Markets in Conjunction with Green Guides Review." Jan. 2008.

- "FTC and HHS Applaud Industry Efforts but Underscore Importance of Future Progress in Addressing Childhood Obesity." Jul. 2007.
- "FTC Proposes Rules Which Would Restrict Email Communications with Customers." Aug. 2004.