

# SHEEHAN PHINNEY

## Consumer Protection

Even in the rough and tumble world of commerce, sharp business practices can cross the line and become actionable conduct. Whether through false or misleading advertising, fraud, misrepresentation, improper use of trademarks, trade names, or designations of origin, price fixing or bait and switch marketing, the use of unfair and deceptive trade practices can adversely affect the free market and your ability to compete fairly in it.

Most states' laws now permit unfair and deceptive business practice claims not only by consumers against businesses, but by businesses against businesses as well.

Sheehan Phinney's Unfair and Deceptive Trade Practices Group teaches and advises our business clients how to strategically use unfair and deceptive trade practice laws to protect their businesses. We aggressively utilize the protections of these statutes as a "sword" to protect our clients' business interests against the improper acts of their competitors through cease and desist letters, injunction proceedings, and, where necessary, litigation. Similarly, however, in order to "shield" our clients from the expense and aggravation of defending such claims by competitors or disgruntled consumers, we use our experience working with these statutes and litigating these cases to design and conduct internal compliance audits for our business clients to ensure that our own clients' marketing and advertising materials, sales presentations, written product materials, and internet and social media presence does not run afoul of these statutes.

Our work in this area crosses all industries and reaches any individual or business engaged in commerce.

## Members

- Courtney H. G. Herz
- Robert H. Miller
- Charles M. Waters