



Program Agenda

Wednesday, May 1st

8:00 a.m. – 8:30 a.m. Registration and Breakfast

8:30 a.m. – 12:00 p.m. Morning Business Session

OPENING REMARKS

8:30 a.m. - 8:45 a.m.



LEZLEE WESTINE



THOMAS F. MYERS

CANNABIS AND COSMETICS: A Match Made in Heaven or a Recipe for Disaster?

8:45 a.m. - 9:15 a.m.

With the growing legalization of medical and recreational marijuana in the states, some cosmetic companies have begun to use and promote the beautifying effects of cannabidiol and hemp oil in cosmetic products. But continued uncertainty about the legal status of cannabis has many scratching their heads as they decide whether to formulate, and how to advertise, with this ingredient. Our speaker will examine the potential pitfalls with using this promising yet controversial ingredient.



JONATHAN A. HAVENS

Saul Ewing Arnstein & Lehr, Baltimore, MD

STATE OF THE STATES

9:15 a.m. – 10:15 a.m.

With Congress in continual legislative gridlock, many states have stepped in to fill the vacuum on consumer protection, health and wellness, and similar issues. From Hawaii to New York, this panel will look at how states are impacting your industry. Our distinguished panel of experts will discuss important recent activity on Proposition 65, ingredient disclosure, animal testing and more.



WILL WAGNER
Greenberg Traurig, Sac., CA



KARIN ROSS
PCPC



DENNIS CARDOZA
Foley Lardner, Wash., DC



ENVIRONMENTAL IMPACTS OF COSMETICS

10:30 a.m. – 11:00 a.m.

For 80 years, FDA has comprehensively regulated cosmetic products for human health impacts. But recently we have seen states challenge companies with respect to the environmental effects of their products. Plastic microbeads, UV filters, and preservatives have received particular scrutiny for environmental impacts – a trend that will most likely continue. What can the industry do to prepare?



WILLIAM F. TARANTINO
Morrison Foerster, San Francisco, CA

CYBER SECURITY & DATA PRIVACY

11:00 a.m. – 11:30 a.m.

No industry is immune from threats to cybersecurity, the integrity of data, intellectual property, the privacy of customers and employees, and the costs and reputational harm that accompany breaches. Our speaker will discuss some of the risks for personal care products companies and best practices to reduce risk. He will also discuss the move to direct customer sales through websites or e-commerce

marketplaces and what that means for the secure collection, storage, and use of customer data (both payment data and personally identifiable information).



ROSS NODURFT
Venable, Washington, DC

LUNCH: KEYNOTE SPEAKER



LINDA KATZ, M.D., M.P.H.
Director, Office of Cosmetics and Colors
U.S. Food and Drug Administration

1:30 p.m. - 4:00 p.m. Afternoon Business Session

ADVERTISING, E-COMMERCE AND BRAND REGISTRY

1:30 p.m. – 2:30 p.m.

The panel will discuss the current hot topics in advertising, e-commerce, and Brand Registry. Specifically, the panel will discuss the legal issues related to offering sales and discounts on pricing, Truth in Advertising, negation option subscription programs, photo editing, and potential issues with using influencers. The panel will then discuss Amazon’s Brand Registry and the benefits it provides to brands, including accurate brand representation, search and reporting tools, proactive brand protections, Registry Support, and brand-building tools.



ANTHONY V. LUPO
Arent Fox, Wash., DC



KALEIGH MILLER
Amazon, Seattle, WA



FIANA KWASNIK
Alexander Wang, NY

BRAND PROTECTION AND COUNTERFEITING: So Many Bad Guys, So Little Time

2:30 p.m. – 3:30 p.m.

With brand protection and anti-counterfeiting programs, the amount of information coming across your wires can often be overwhelming. Each tip received from your business units, each takedown filed on Instagram or seizure notice from Customs represents a potential target, an individual who is causing damage to your brand. How do you sift through thousands of leads to identify ideal candidates for escalation, those that may yield positive results and make a dent in the counterfeit market? This program will outline three separate channels in your information pipeline. We will follow leads in each channel and outline ways to identify those that are high value targets and discuss options for escalation and expected results.



KELLY P. MCCARTHY
Sideman & Bancroft, San Fran, CA



ERICA BRAND PORTNOY
Sideman & Bancroft, San Fran, CA

PROS AND CONS OF INCREASED FDA OVERSIGHT: Lessons from the Pharmaceutical Industry

3:30 p.m. – 4:00 p.m.

With the recent introduction of the “Personal Care Products Safety Act,” the personal care industry is facing a legislative overhaul of the regulatory framework for cosmetics that may include premarketing submissions, mandatory GMPs and adverse events reporting, and increased recall and enforcement powers. Looking at the pharmaceutical industry, which is subject to similar requirements, is instructive and may help guide the personal care industry on what lies ahead. This panel will discuss examples from the pharma industry and how it handles the risks, exposures, benefits and drawbacks of complying with these requirements.



SARA K. THOMPSON
Greenberg Traurig, Atlanta, GA

****Evening Welcome Reception****

Thursday, May 2nd

8:00 a.m. – 8:30 a.m. Registration and Breakfast
8:30 a.m. – 1:30 p.m. Morning Business Session

CONGRESS AND COSMETICS: The Status of Federal Cosmetics Legislation
8:30 a.m. – 9:00 a.m.

House Energy and Commerce Chairman Frank Pallone (D-NJ) and Rep. John Shimkus (R-IL) are advancing bipartisan legislation seeking to modernize FDA’s regulatory authority over cosmetics. There’s a growing momentum toward passage of a federal bill. This panel will provide you with the ultimate insiders’ understanding of ongoing negotiations with the House, and what your company can expect as the legislation advances and if a bill is enacted. This panel is a must-attend for anyone responsible for legal and regulatory compliance in their company!



WADE F. ACKERMAN
Covington & Burling, Los Angeles, CA



MEREDITH SIMPSON
PCPC

THE RISE OF HALAL BEAUTY
9:00 a.m. – 10:00 a.m.

The halal beauty market has taken off in the Middle East and Asia, but now it is gaining popularity in the West as natural and organic brands look to adjust their ingredients and production methods to meet halal certification. This presentation will examine the increasing interest in halal beauty products, and the opportunities and challenges associated with making halal claims.



FRANCINE LAMORIELLO
PCPC



MEREDITH MILLER
Albright Stonebridge
Washington, DC



CYNTHIA SULLIVAN
Lubrizol
Akron, OH



NANCY WANG
Estee Lauder
New York, NY

ADVERTISING AND CLAIMS

10:00 a.m. – 10:30 a.m.

The National Advertising Division (NAD) monitors national advertising in all media, investigating the truth and accuracy of claims made for goods and services. NAD accepts complaints from consumers, competing advertisers and local Better Business Bureaus and its decisions represent the single largest body of advertising decisions in the United States. Director Laura Brett will provide insights and watchouts in this highly anticipated presentation.



LAURA BRETT

National Advertising Division, New York, NY



THE RETAILER PERSPECTIVE: Increasing State Pressures for Cosmetic Companies

10:45 a.m. – 11:45 a.m.

Retailers play a critical role in the development and continued success of our industry, and many cosmetic and personal care product companies operate not just as suppliers, but as retailers either through company boutiques or online sales. Reverse logistics and product recalls can be especially challenging, as many products are regulated as hazardous or medical waste when they become unsellable. This panel will discuss differing approaches to working with local enforcement agencies and state prosecutors who scrutinize such practices, and the key information and support that retailers need from their suppliers in order to comply with applicable laws.



MICHAEL STEEL
Morrison Foerster
San Francisco, CA



JULIANN BURON
Costco
Seattle, WA



TARYN LOONEY
CHANEL
New York, NY



SHERI CALDWELL
Sally Beauty
Dallas, TX

YOUR COMPANY SPOKESPERSON

11:45 a.m. – 12:45 p.m.

Holding out someone to speak for the company can, of course, be a thorny issue. No longer is it just someone with media savvy, but someone who also will be an effective witness. This panel looks at the circumstances in which you issue a media statement, who does it, and timing; when a company must be ready to “go” and how you get there; how do you get your voice heard; and what happens when your spokesperson becomes voice of the company in litigation?



LAURIE HENRY
Shook Hardy Bacon, KC, MO



COURTNEY OZER
Unilever, Englewood, NJ



PHIL GOLDBERG
Shook, Hardy Bacon, Wash, DC

SUNSCREENS

12:45 p.m. – 1:15 p.m.

While state, county and city bans of FDA-approved sunscreen actives have garnered much of the public's attention over the last two years, the FDA recently reminded everyone that it remains the Regulator-in-Chief of all things sunscreen. Facing a looming legislative deadline, FDA proposed a new rulemaking that could result in the most substantive changes to the Sunscreen Tentative Final Monograph in decades. The proposal addresses topics like, dosage forms, SPF levels, the safety of UV filters, labeling, record-keeping, and much more. This panel will help you to understand the proposal, what industry is doing about it, and what to expect next.



EMILY HARP MANOSO
PCPC



RAQIYYAH PIPPINS
Arnold & Porter, Wash., DC

****Evening Offsite Reception****

Friday, May 3rd

8:00 a.m. – 8:30 a.m. Registration and Breakfast

8:30 a.m. – 12:00 p.m. Morning Business Session

YOU'RE SO DEMANDING! Demand letters from consumers

8:30 a.m. – 9:00 a.m.

The wave of consumers threatening class action lawsuits has swept up companies of all sizes, with small and mid-size manufacturers increasingly in the crosshairs. Courts, including the Ninth Circuit, have been slow to stem the tide, so companies must think practically to stay under the radar and deal with demands efficiently. Our speaker will discuss what plaintiffs are looking for and what you can do if your company has received a legal demand from a consumer, using examples and data to show what can happen if you ignore, settle, or fight.



GREGORY G. SPERLA

DLA Piper, Sacramento, CA

GMP and QUALITY AGREEMENTS

9:00 a.m. – 10:00 a.m.

If outsourcing the manufacturing process or other key functions is part of your company's operational model, a collaborative and structured relationship between parties is critical to business success. This panel will discuss the role of quality agreements for subcontracted services as part of GMPs for personal care products. The benefits and regulatory implications of quality agreements will be examined, along with how they can be utilized as a best business practice to communicate and manage quality expectations.



PAULA KATZ

Covington Burling, Wash. DC



TIM PARRENT

Mary Kay, Dallas, TX



CATHLEEN OWEN

Q Laboratories, Cincinnati, OH

GOING NATURAL: What It Means to Regulators and For Your Company

10:00 a.m. – 11:00 a.m.

When did cosmetics shopping become the new farmers market? Amid the growing trends in the cosmetics and personal care industry is the “clean beauty” movement, which has prompted terms like “natural,” “fresh”, “pure”, “green” and other derivatives of clean in promoting products. This panel will discuss how to handle marketing and labeling where the FDA has not yet defined the word “natural,” and examine the challenge of advertising “clean” products by looking at warning letters, enforcement actions, and other relevant guidance.



TONYA ESPOSITO

Seyfarth Shaw, Wash., DC



RENEE APPEL

Seyfarth Shaw, Wash., DC

WHAT'S NEXT AT FDA?

11:00 a.m. – 11:30 a.m.

With the sudden departure of FDA Commissioner Scott Gottlieb, there is a lot of uncertainty around the future direction and leadership of FDA. As always, our closing panel will feature a presentation by Peter Barton Hutt, former Chief Counsel of the U.S. Food and Drug Administration and an attorney with the Washington, DC office of Covington Burling.



PETER BARTON HUTT

Covington Burling, Washington, DC

Program Ends at 12:00 p.m.