



## Holly Melton

**Partner**  
**New York**

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### RELATED PRACTICES Intellectual Property Litigation

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Holly Melton helps consumer-facing companies navigate advertising risk from the earliest stages of campaign development through regulatory investigations, competitor challenges and litigation. A partner in Haynes Boone's Intellectual Property Litigation Practice Group in New York, she has more than 20 years of experience advising and defending consumer brands across the retail, telecommunications, consumer products, apparel, food and beverage, pharmaceutical and financial services industries.

At the counseling stage, Holly works with in-house legal and marketing teams to evaluate express and implied claims, supporting evidence, disclosures and likely consumer takeaways. She advises on comparative advertising, environmental and Made in USA claims, endorsements and influencer programs, pricing and discount practices, automatic-renewal and negative-option programs, privacy and data security, and product packaging and textile labeling. She also helps clients develop review processes that identify potential legal and reputational concerns before advertising reaches the market.

When a campaign is challenged, Holly represents clients in federal and state courts, investigations and enforcement proceedings involving the Federal Trade Commission and state attorneys general, and proceedings before the National Advertising Division and National Advertising Review Board. She brings and defends Lanham Act false advertising claims, defends consumer class actions and advises on the design and use of consumer perception surveys. Her experience includes obtaining FTC closing letters, resolving enforcement matters, defending claims involving automatic-renewal and labeling practices, and initiating and defending industry self-regulatory challenges and appeals.

Because Holly handles both front-end counseling and contested matters, she can assess how advertising claims are likely to be interpreted—and potentially challenged—by consumers, competitors, regulators and courts. She uses that perspective to help clients preserve their commercial objectives while managing legal and reputational risk. *Chambers USA* ranks Holly nationwide for Advertising: Litigation, 2020–2026, and Advertising: Transactional & Regulatory, 2022–2026. She is also recognized in *The Best Lawyers in America* for Advertising Law and Media Law, 2020–2027.

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### SELECTED CLIENT REPRESENTATIONS

- Resolved an FTC investigation on behalf of a global retailer involving allegations that rayon products were advertised as containing bamboo and having properties associated with bamboo, including environmental benefits

- Obtained a closing letter from the FTC in connection with an investigation into Made in USA claims
- Negotiated the favorable resolution of an FTC enforcement proceeding involving Made in USA claims on behalf of a consumer products company
- Defended a satellite television provider in an FTC investigation and litigation commenced by the FTC alleging violations of Section 5 of the FTC Act and ROSCA
- Resolved an FTC enforcement proceeding against a VOIP telecommunications provider alleging TSR violations
- Litigated a Lanham Act false advertising case against a major alcoholic beverages company based on a competitor's Super Bowl commercial
- Defended a large telecommunications company in a Lanham Act false advertising litigation initiated by a competitor
- Defended and settled a putative class action alleging non-compliance with California's automatic renewal law
- Settled a putative class action on behalf of a well-known apparel company alleging false advertising and unfair competition regarding the labeling of textile items
- Settled a putative class action on behalf of an EU-based snack foods company with U.S. operations alleging false advertising and unfair competition regarding packaging of a grocery item
- Initiated and defended numerous NAD challenges and NARB appeals on behalf of a major telecommunications company involving advertising claims
- Successfully challenged a popular advertising campaign for a veterinary pharmaceutical product on behalf of the manufacturer of a competing product, including an appeal to NARB
- Successfully challenged an advertising claim for a tax preparer against a competitor touting a #1 rated claim based on evidence that merely measured the number of reviews.

***Some representations were handled by Holly prior to joining Haynes Boone.***

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## PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- American Bar Association - Antitrust Law Consumer Protection Section, Member
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## AWARDS AND RECOGNITIONS

- Included in *Chambers USA*, Chambers and Partners, Advertising: Litigation – Nationwide, 2020-2026; Advertising: Transactional & Regulatory – Nationwide, 2022-2026
  - Recognized in *Best Lawyers in America* for Advertising Law and Media Law, 2020-2027
  - Included in *Legal 500 United States*, Media, Technology and Telecoms: Advertising and Marketing: Litigation, 2022, 2023, 2025; Transactional & Regulatory, 2021, 2023, 2025
  - Selected for inclusion in *National Law Journal*, Media & Advertising Trailblazers, 2023
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## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Designing for Minors: Age-Appropriate Design Laws and Compliance," speaker, Frankfurt Kurnit's 4th Annual Tech Law Summit, May 12, 2026.
- "USDA's New 'Product of USA' Rule Demands careful Recordkeeping," quoted, *Law.com*, January 12, 2026.

- "Don't Let These Privacy Shifts Blindside You In 2026," quoted, *AdExchanger*, January 5, 2026.
  - "FTC Weighs Petition to Revive 'Click to Cancel' Rule," quoted, *Law.com*, December 12, 2025.
  - "FTC Year in Review," speaker, Association of National Advertisers (ANA), December 9, 2025.
  - "Reports of 'Click-to-Cancel's Death May Be Premature," quoted, *Competition Policy International*, November 3, 2025.
  - "States Turn to Outside Firms to Generate Big Privacy Settlements," quoted, *Bloomberg Law*, October 9, 2025.
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## QUALIFICATIONS

### EDUCATION

- J.D., University of Houston Law Center, 2000,  
cum laude, *Journal of International Law*, Candidates Editor
- B.A., Government, The University of Texas at Austin, 1997,  
summa cum laude

### ADMISSIONS

- New York
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## QUESTIONS AND ANSWERS

### **When should a company involve you in developing an advertising campaign?**

I often work with clients before launch to evaluate express and implied claims, supporting evidence, disclosures and likely consumer takeaways. Early involvement gives legal and marketing teams more options to address potential concerns while preserving the campaign's commercial objectives.

### **What advertising and marketing issues do you regularly advise on?**

I advise on comparative advertising, claim substantiation, environmental and Made in USA claims, endorsements and influencer programs, pricing and discount practices, and automatic-renewal and negative-option programs. My practice also covers privacy and data security, product packaging and textile labeling, and compliance with the FTC Act and related rules and guidance.

### **How do you help when an advertising claim is challenged?**

I begin by evaluating the claim, its substantiation, the advertisement's likely net impression and the client's business objectives. Depending on the circumstances, I may defend or pursue a Lanham Act claim, respond to a government investigation, defend a consumer class action, or initiate or defend a challenge before the National Advertising Division or an appeal before the National Advertising Review Board.

### **What experience do you bring to FTC and state enforcement matters?**

I have represented consumer brands in investigations and enforcement proceedings involving the FTC, state attorneys general and other authorities. My experience includes obtaining FTC closing letters and

resolving matters involving Made in USA and environmental claims, automatic-renewal practices, telemarketing requirements and textile labeling.

## **What role do consumer perception surveys play in advertising disputes?**

Survey evidence can be important in determining the message consumers take away from an advertisement. I advise clients on the design, implementation and use of consumer perception surveys in false advertising disputes and use that evidence to evaluate both litigation risk and strategy.

## **How does your disputes experience inform your compliance counseling?**

Handling litigation, regulatory investigations and industry self-regulatory proceedings gives me practical insight into how advertising claims may be examined by consumers, competitors, regulators and courts. I apply that perspective during campaign development to help clients identify issues early and make informed decisions that account for both risk and business objectives.