

Ronie M. Schmelz

Counsel

515 South Flower Street Forty-Second Floor, Los Angeles, CA
90071

D 213.430.3375 | **F** 213.430.3409

ronie.schmelz@tuckerellis.com



education

University of California, Hastings
College of the Law (J.D.), 1987
University of California, Los Angeles
(B.A.), 1984

services

Food, Cosmetics & Dietary
Supplements
Business Litigation
Class Action Litigation
Insurance
Intellectual Property
Privacy & Data Security
Trademarks

Ronie Schmelz is an experienced advertising and regulatory counselor and class action defense lawyer with particular expertise working with clients in the consumer products industry.

Ronie spent the first 25 years of her career at an international law firm defending clients in complex litigation, including consumer class actions and disputes involving general commercial, real estate, and health care-related matters. During the second half of her career, she has committed herself to advising clients on litigation-avoidance strategies, including implementing best practices for complying with regulations and standards enforced by the Food and Drug Administration (FDA), Federal Trade Commission (FTC), other federal and state regulatory agencies, as well as the National Advertising Division (NAD), and ways to reduce exposure to consumer class actions. Ronie advises clients on a myriad of topics – including the implementation of recall procedures and responding to FDA Warning Letters, Notices of Action, and MedWatch Adverse Event Reports – and she defends clients in nationwide consumer class actions.

Ronie has extensive experience advising clients in the consumer product industry, including those that manufacture cosmetic, skin and hair care, dietary supplement, and household goods. Along with her experienced team of Tucker Ellis attorneys, Ronie counsels companies on compliance with the Federal Packaging and Labeling Act, California Proposition 65, the marketing of CBD and hemp products under the Agricultural Improvement Act of 2018 (the Farm Bill), and other federal and state consumer protection, advertising, and

unfair business practices laws. Ronie and her team also draft and negotiate vendor and corporate agreements and manage domestic and international intellectual property rights.

A leader in the cosmetics industry, Ronie serves as legal counsel to the executive board of Beauty Industry West. She also frequently speaks at industry events, including Cosmoprof North America and Bologna, Natural Products Association (NPA), California and New York Society of Cosmetic Chemists Suppliers' Day, and American Conference Institute, and she teaches at both UCLA Extension and the Fashion Institute of Design & Management (FIDM). Ronie also provides added value to client relationships by conducting educational in-house regulatory training sessions.

In addition to her consumer products practice, Ronie has extensive experience litigating reinsurance disputes and insurance coverage matters.

state admissions

- California (1987)
- New York (2012)

federal admissions

- United States Court of Federal Claims
- United States Court of Appeals, Ninth Circuit
- United States District Court, Central District of California
- United States District Court, Eastern District of California
- United States District Court, Northern District of California
- United States District Court, Southern District of California
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York

experience

- Represents clients in National Advertising Division (NAD) proceedings
- Represents companies in responding to FDA Warning Letters
- Represents consumer product companies in nationwide consumer class actions challenging advertising, misbranding, and disclosure practices
- Counsels clients on the marketing of consumer products containing cannabis/hemp
- Represents food company in nationwide consumer class action challenging use of partially hydrogenated oils (PHO) in food products and use of the term "No Trans-Fat" on product labels
- Counsels personal care product companies on regulatory compliance, advertising, best practices, and litigation avoidance strategies
- Represents consumer product companies in class actions challenging use of the term "natural" to describe products
- Represents subscription service companies in actions alleging violations of state automatic renewal laws

publications & events

RECENT SPEAKING ENGAGEMENTS

- "The Microbiome: From Decoding Nature to Biotech Breakthroughs," Global Synthetic Biology Conference (October 2020)
- "CBD in Cosmetics: So, What's Legal?," LUXE PACK | MakeUp Los Angeles, Los Angeles, California (February 2020)
- "Cannabis Regulations: Canada & European Union," Processing of Cannabis/Hemp Plants and Refining of CBD Oil: Market, Regulations and Applications, Las Vegas, Nevada (December 2019)
- "The Farm Bill Has Passed: How Will Federal Refinement of Rules & Regulations for CBD and Hemp Oil Affect the Cosmetics, Personal Care Products and Dietary Supplements Industries?," Beauty & Supplement Regulatory Exchange, Washington, D.C. (November 2019)
- "The Legality of CBD: Separating Fact from Fiction," 2019 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (November 2019)
- "How to Tap into the CBD Beauty Trend the Right Way!," Webinar, Cosmetics Design (October 2019)
- "Marketing Probiotic Products: Careful What You Say!," Skin Microbiome Congress 2019, San Francisco, California (September 2019)
- "CBD and Cosmetics: Separating Fact from Fiction," Intermountain West Society of Cosmetic Chemists (IMWSCC), Park City, Utah (August 2019)
- "CBD and Beauty: The Next ___ Year(s)," Cosmoprof North America 2019, Las Vegas, Nevada (July 2019)
- "CBD and Cosmetics: Separating Fact from Fiction," California Society of Cosmetic Chemists, Malibu, California (May 2019)
- "Riding the Coattails: The Latest Developments in Class Action Litigation Affecting the Cosmetics Industry," ACI Cosmetics & Personal Care Products – Legal, Regulatory and Compliance, New York, New York (March 2019)
- "Cosmetics 101: How to Market Cosmetics Without Attracting Unwanted Attention From Regulators and Consumer Lawyers," Fashion Institute of Design & Merchandising (FIDM), Los Angeles, California (March 2019)
- "What to Know Before You Market Products in the United States," Webinar, Italian Trade Agency, ICE - Italian Trade Commission, Trade Promotion Office of the Italian Embassy (February 2019)
- "Welcome to 2019! What's New?," Natural and Organic Health and Beauty Alliance Webinar (January 2019)
- "What Can I Say? Best Practices for Product Claims," Credo Brand Consortium (October 2018)
- "Regulatory Challenges: Probiotic Beauty Products," 2nd Skin Microbiome Congress, San Francisco, California (September 2018)
- "High on Beauty: The Cannabis Dilemma," Cosmoprof North America, Las Vegas, Nevada (July 2018)
- "FTC Spotlight," co-presented with Richard L. Clelland, Division of Advertising Practices, Federal Trade Commission, Natural Product Association's (NPA) "The Big Natural," Las Vegas, Nevada (June 2018)
- "Cosmetic Sciences: Skin Care Ingredients, Skin Conditions and Regulatory Issues for Cosmetic Professionals," UCLA Extension, Los Angeles, California (April 2018)
- "Regulatory and Legal Challenges Facing Subscription Commerce Businesses: What Can You Do to Reduce Your Legal Exposure?," SUBCOM 2018 East, New York, New York (March 2018)

- "How to Market Cosmetics Without Attracting Unwanted Attention from Regulators and Consumer Lawyers," Fashion Institute of Design & Merchandising, Los Angeles, California (March 2018)
- "Regulatory, Compliance, and Legal Challenges for Subscription Businesses: What You Should Know to Reduce the Risk of Exposure," SUBCOM 2017: The Subscription Commerce Summit, San Francisco, California (November 2017)
- "Lessons Learned: How to Market 'Natural' Products Without Drawing the Attention of Regulators and Class Action Lawyers," 2017 Suppliers' Day Exhibition of the Society of Cosmetic Chemists, Long Beach, California (October 2017)
- "How to Market Cosmetics Without Attracting Regulatory and Consumer Scrutiny," In-Cosmetics North America, New York, New York (October 2017)
- "What Women Want From Naturals," Panelist, Cosmoprof North America Las Vegas, Las Vegas, Nevada (July 2017)
- "Knowledge is Power: Recent Developments in FDA Warning Letters, FTC Enforcement Actions, NAD Proceedings, and Consumer Class Actions," Society of Cosmetic Chemists, Manhattan Beach, California (April 2017)
- "FDA, FTC and Consumer Class Action Update: Avoiding Unwanted Attention from Government Regulators and Private Plaintiff Lawyers," Beauty Industry West, Los Angeles, California (January 2017)
- "Proposition 65: Heightened Disclosure Requirements," Valley Industry & Commerce Association, Van Nuys, California (December 2016)
- "Advertising Risks and Brand Protection – Claim Substantiation, Enforcement, and Consumer Class Actions," 2016 In-House Counsel Summit, Tucker Ellis LLP, Cleveland, Ohio (October 2016)
- "Claim Substantiation: Best Practices for Avoiding Unwanted Attention from Government Regulators and Private Plaintiff Lawyers," New York Society of Cosmetic Chemists, Edgewater, New Jersey (September 2016)
- "Natural Beauty: The Wave of the Current Beauty Industry," The Fashion Group International of Los Angeles, Inc. (FGI) and the Fashion Institute of Design & Merchandising (FIDM), Los Angeles, California (December 2015)
- "Food & Beverage Class Action Litigation Spotlight," 3rd Annual Food & Beverage Litigation, Compliance & Regulatory Exchange, Chicago, Illinois (October 2015)
- "Regulatory Update: Strategies for Avoiding Class Actions and Complying with FDA and FTC Guidelines," Society of Cosmetic Chemists (SCC) Suppliers' Day, Long Beach, California (October 2015)

RECENT PUBLICATIONS

- "Hemp/CBD Companies: Make Your Voices Heard on USDA and DEA Regulations Restricting Hemp Production," Tucker Ellis Client Alert (October 2020)
- "Regulation of Probiotic and Other Live Biologic Products: The United States Approach," *Skin Microbiome Handbook* (2020)
- "FTC Maintains Its Focus on 'Made in the USA' Claims," *Nutrition Industry Executive* (September 2020)
- "Report on the FDA Cannabis Hearing: Passionate Presenters Urge Clarity in Regulation of Complex Industry," *Westlaw Expert Analysis* (July 2019)
- "Congress Passes Farm Bill Legalizing Hemp, Opening the Gate for Use of CBD in Consumer Products," Tucker Ellis Client Alert (December 2018)

- "Sifting Through the Weeds: A Primer on Federal Laws Regulating CBD Oil," *Nutrition Industry Executive* (September 2018)
- "Courts Split on the Viability of Claims Challenging 'Hypoallergenic' Labeling," Tucker Ellis Client Alert (July 2018)
- "Despite Deregulation in 2017, Cosmetic Companies Remain FDA Focus," *CPNA Newsflash - The Official Blog of Cosmoprof North America* (February 2018)
- "Regulatory Oversight of Supplement Industry Continues," *Nutrition Industry Executive* (September 2017)
- "Did 2016 Come to a 'Natural' Conclusion?", *Nutrition Industry Executive* (January/February 2017) and *COSMOPROF North America Blog* (January 2017)
- "FTC Distinguishes Between 'Natural' and 'All Natural,'" *Nutrition Industry Executive* (September 2016)
- "FDA's New Rule on Sanitary Transport of Food," *Nutraceuticals World* (September 2016)
- "FTC Distinguishes Between 'Natural' and 'All Natural,'" Tucker Ellis Client Alert (July 2016)
- "Federal Jury Clears Leading Homeopathic Flu Remedy Manufacturer in Class Action Trial," Tucker Ellis Client Alert (June 2016)
- "FTC Targets 'All Natural' and '100% Natural' Products and Defines Terms," Tucker Ellis Client Alert (April 2016)
- "Website 'Terms of Use' May Not Bind Users," *Nutraceuticals World* (March 2016)
- "FDA Warning Letters Target Internet Testimonials," *Nutraceuticals World* (February 2016)
- "Federal Jury Clears Producer, Marketer, and Seller of Homeopathic Products in \$255M Class Action Trial," Tucker Ellis Client Alert (September 2015)
- "Seller Beware!! What You Need to Know About Prop 65 Before Selling Products to California Consumers," *Cosmoprof North America eNewsletter* (April 2015)
- "Subscription Services Beware! Failure to Follow Automatic Renewal Laws May Convert Your Sales Into Unconditional Gifts to Your Customers!," Tucker Ellis Client Alert (February 2015)

MEDIA

- "Cosmetics Firms 'Chomping at the Bit' to Use CBD, but Do So at Own Peril, Attorney Says," *HBW Insight* (May 2019)
- "CBD Snacks, Beverages May Present Issues for Retailers," *SnackingNews* (April 2019)
- "Hazy Regulations, Huge Reward," *Marijuana Venture* and *Green Entrepreneur* (March 2019)
- "NYC Orders Restaurants to Stop Serving CBD," *Vitamin Retailer* (February 2019)
- "More Health Care Products Offered in Latest 'Free Trial' Scam FTC Targets," *The Rose Sheet* (July 2018)
- "FTC Official Signals CBD Not Enforcement Priority," *Natural Products Insider* (June 2018)
- "US Regulatory Compliance – It's Not Only What You Say, But How You Say It," *CEW Dedicated Newsletter* (October 2016)
- "House Cosmetic Bills Conflict on Preemption, Cast PCPSA as Compromise," *The Rose Sheet* (September 2016)
- "Growth in 'Natural' Products Gets Regulators' Attention," *Bloomberg BNA Class Action Reporter* (August 2016)
- "The US Microbead Ban: Are There Teeth, and Would PHAs Pass Through?," *The Rose Sheet* (July 2016)
- "California Appeals Court Says Skin Care Labeling Deal Was Fair," *Law360* (June 2016)

- "Web Terms & Conditions No Longer One-Size-Fits-All In Complex Legal Landscape," *The Rose Sheet* (April 2016)
- "California Court Finds 'Browsewrap' Agreement Unenforceable," Law.com (March 2016)
- "Cosmetics E-tailers at Risk Amid Trending Auto-Renewal Class Actions," *The Rose Sheet* (April 2015)

in the community

- Bay Area Beauty Association (BABA), Founding Board Member
- Beauty Industry West (BIW), Board Member and Legal Advisor to the Board
- Cosmetic Executive Women (CEW)
- Natural Products Association (NPA)
- Personal Care Products Council (PCPC)
 - State Government Affairs Committee