



## Ronie M. Schmelz

### Partner

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### OVERVIEW

Ronie Schmelz is a partner in the firm's Los Angeles office and a member of the Commercial Disputes practice.

Ronie spent the first part of her career at an international law firm defending clients in complex litigation, including consumer class actions and disputes involving reinsurance, general commercial, real estate, and health care-related matters. She now spends a significant amount of her time counseling clients on litigation-avoidance strategies so they can confidently focus on building and operating their businesses in a way that reduces the risk of regulatory oversight and consumer challenges. These strategies include 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 issues – including contract and intellectual property matters, privacy, automatic renewal and loyalty programs, implementation of recall procedures, Prop 65, responding to FDA Warning Letters, Notices of Action, and MedWatch Adverse Event Reports – and she continues to defend clients in nationwide consumer class actions and complex commercial litigation matters.

### PROFESSIONAL BACKGROUND

Ronie has deep industry knowledge and extensive experience advising clients in the consumer product industry, particularly those that manufacture cosmetics, skin and hair care products, dietary supplements, and household goods. 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.

A leader in the cosmetics industry, Ronie serves as legal counsel to the executive board of Beauty Industry West and is a member of the Independent Beauty Association's Government & Public Relations Committee. She also frequently speaks at industry events, and has been a featured speaker at industry conferences, including Cosmoprof North America and Bologna, Independent Beauty Association (formerly, ICMAD), Beauty Connect, MakeUp LA, California and New York Society of Cosmetic Chemists Suppliers' Day, Natural Products Association (NPA), and American Conference Institute. She also co-taught a course on Advertising Law at Loyola Marymount University Law School and lectured at 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.

## PROFESSIONAL / CIVIC ACTIVITIES

- Beauty Industry West (BIW), Board Member, Chair, Legal & Regulatory Committee
- Independent Beauty Association (formerly ICMAD), Member, Government & Public Relations Committee
- California Society of Cosmetic Chemists (SCC), past Board Member
- Chief, the Private Network for Women Leaders
- Cosmetic Executive Women (CEW)
- Bay Area Beauty Association (BABA), Founding Board Member
- Personal Care Products Council (PCPC)
  - State Government Affairs Committee

## SPEAKING ENGAGEMENTS

- “MoCRA, Consumer Data, and the Sustainability Issues Confronting the Cosmetics Industry,” Beauty Industry West, 12 March 2024
- “Regulatory Update FDA, FTC, MoCRA and More: Some ‘Hot’ Regulatory Topics,” Co-panelist at the Society of Cosmetic Chemists California Chapter – Suppliers’ Day 2023 (October 2023)
- “Myth Busting Misinformation on MoCRA,” Society of Cosmetic Chemists California Chapter – Co-panelist at the Suppliers’ Day 2023 (October 2023)
- “10 Steps of Product Development – Taking Your Idea from Your Head to Your Warehouse,” Co-panelist at the Society of Cosmetic Chemists California Chapter – Suppliers’ Day 2023 (October 2023)
- FDA, FTC, MoCRA and More: Some “Hot” Regulatory Topics,” Beauty Industry West (September 2023)
- FDA, FTC, MoCRA and More: Some “Hot” Regulatory Topics,” Credo Brand Consortium (September 2023)
- “Getting Clean Beauty Advertising Right,” BBB National Programs (July 2023)
- New York Society of Cosmetic Chemists (NYSCC) Suppliers’ Day Conference, *What’s Next in Ingestible Beauty & Wellness Products: The Consumer’s Viewpoint* (May 2023)
- “Nutraceuticals in Beauty: Exploring the Intersection of Nutrition and Skincare,” Beauty Industry West (March 2023)
- “2023 Regulatory Update: MoCRA and Other Regulatory Issues Confronting the Cosmetics Industry,” Beauty Industry West (January 2023)

- “Advertising 101: Best Practices for Marketing Ingredient and Product Benefits,” New York Society of Cosmetic Chemists (May 2022)
- “U.S. Regulatory Landscape: What to Know Before Marketing Probiotics,” Healthy Skin Microbiome Summit (June 2021)
- “Clean Beauty Claims: Regulation, Transparency and Certifications,” 2nd Annual Clean Beauty Connect Virtual Summit (June 2021)
- “Claims and Descriptions: A Legal Opinion on What You Can and Cannot Say,” CBD Expo Midwest 2021 (April 2021)
- “Greenwashing,” Moderator, Hairstory Studio Sustainable Beauty Summit (April 2021)
- “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)

## EDUCATION

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

## ADMISSIONS

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

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 1 April 2024, Sephora Prevails in Consumer Challenge of “Clean at Sephora” Claims

## OTHER PUBLICATIONS

- “The Reviews Are In on the Consumer Review Fairness Act,” Tucker Ellis Client Alert (May 2022)
- “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)

## NEWS & EVENTS

- 18 July 2023, Getting Clean Beauty Advertising Right (Part One), Hosted by Better Business Bureau, National Programs' National Advertising Division
- 2 May 2023, What's Next in Ingestible Beauty & Wellness Supplements: The Consumer POV, Hosted by New York State Society of Chemists
- 14 March 2023, K&L Gates Strengthens Consumer Products Industry Capabilities with Los Angeles Lawyer Additions

## MEDIA MENTIONS

- Quoted, “What Will Beauty's Era of Transparency Mean for the State of Clinical Testing?,” *Women's Wear Daily and Yahoo! Life*, 9 April 2024.
- Quoted, “Clean Beauty, The New 'Natural,' Carries Same Litigation Risk – Attorneys,” HBW Insight, 21 July 2023

## AREAS OF FOCUS

- Commercial Disputes
- Health Care and FDA
- Mass Tort
- Product Liability

## INDUSTRIES

- Advertising and Marketing
- Cannabis
- Consumer Beauty and Aesthetics
- Consumer Products
- Food and Beverage
- Luxury Products and Fashion

## REPRESENTATIVE EXPERIENCE

- Defend advertising of personal care company selling natural products.
- Act as outside general counsel for a consumer products company, overseeing and directing all of their legal needs, including a revamp of their contract management system, reviewing and updating contracts, handling consumer challenges and disputes, and class action defense.
- Providing regulatory counseling for compliance with the Federal Food, Drug, and Cosmetic Act (FD&C Act), as amended by the Modernization of Cosmetics Regulation Act of 2022 (MoCRA), and Federal Trade Commission Act (FTC Act).
- Assist a cosmetics manufacturing client in responding to issues raised by Food and Drug Administration (FDA) following inspection and an Official Action Indicated (OAI) notice.