

Allison Fitzpatrick

Partner

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Areas of Focus

Advertising + Marketing | Advertising Review, Production and Media | Digital and Social Media Marketing and Advertising | E-commerce and Retail Sales | Marketing and Promotions | Privacy, Technology + Data Security

"I do not think of myself as outside counsel but as a member of my client's in-house team. My work does not stop once the job is over, as I follow my clients' campaigns — even in my off time — making sure there are no hiccups."

Overview

An established thought leader in the digital media space, Allison Fitzpatrick brings to her clients a thorough understanding of the power of social media, influencer marketing, native advertising and other forms of emerging media.

Allison has witnessed firsthand the explosive growth of influencer marketing on social media. As popular bloggers transformed themselves into social media influencers — with marketers signing them to lucrative contracts — she was instrumental in shaping those contracts and developing her client's social media policies. Whether dealing with "micro" influencers in niche categories, or with major celebrities representing national brands, she helps clients navigate the rapidly evolving social media landscape.

Children's marketers — as well as operators of child-targeted apps and websites — look to Allison for guidance in their online marketing efforts. Knowing the unique power digital media has over children, she routinely reviews websites, apps, privacy policies and marketing campaigns to ensure compliance with the Children's Advertising Review Unit's Self-Regulatory Guidelines, the Children's Online Privacy Protection Act and other laws.

Having worked on some of the industry's most successful promotions, Allison bore witness to digital media's dramatic transformation of the promotions industry, as she helped her clients transition from their traditional reliance on print and direct mail promotions to the social media world, where she advises clients on their sweepstakes, contests, free offers, loyalty rewards programs and other promotions.

Even as she keeps a close eye on emerging media platforms, Allison knows how to adapt the traditional principles of truthfulness in advertising to all aspects of her practice, whether advising clients on

endorsements and testimonials, price advertising, claim substantiation, negative option marketing, or any other legal issue where those principles apply.

Representative Experience

- Advised one of the largest pizza chains in the United States on a free pizza giveaway tied to a major sports event that generated millions of dollars in free publicity. Drafted the promotion's terms & conditions and appropriate disclaimers, reviewed social media posts and press releases and advised on security issues to help minimize the risks of awarding free products to the public.
- Counseled a video game publisher on its annual high-profile global contest that offers hundreds of thousands of dollars in prizes to entrants from numerous countries. Drafted the contest rules and prize forms and coordinated review with local counsel in the eligible countries.
- Advised one of the largest entertainment platforms on an ambitious, real-time activation campaign to promote a new release. Created Real Time Marketing Guidelines and provided real-time risk assessments and marketing advice, including providing on-the-spot copyright, trademark, and right of publicity advice based on questions posed and assets provided by the marketing team who was posting social media posts in real-time from the activation.
- Developed international social media influencer and promotion guidelines for one of the world's leading media and entertainment companies, including obtaining risk assessments from local counsel in most major European countries and providing risk mitigation guidelines and preparing global rules based on local counsel advice.
- Helped a leading multinational company known for publishing, selling and distributing books and educational materials for schools, teachers, parents and children to update the privacy policy covering its child-directed websites and apps to ensure compliance with COPPA and other privacy laws.
- Advised a major publishing company and leading language learning company on updating its free trial offer, negative option marketing, and referral practices and terms to comply with important changes in state and federal laws that impact the sale of its digital content.
- Helped a home security company transition from its door-to-door business model to an entirely online business model in response to the COVID-19 pandemic. This included creating e-commerce terms for its updated website, reviewing its online automatic renewal terms and sale disclosures, and advising on how the door-to-door and other home security laws impact its online businesses.
- Assisted one of the largest pizza chains in the U.S. in launching its first-ever Super Bowl commercial and in structuring advertising and social media campaigns to promote it. This included providing Real Time Social Media Guidelines and drafting terms and conditions for a giveaway promotion.

Insights + Events

Event

New York City Bar Association (NYCBA) | Marketing and Advertising Law 2024 Speeding Ahead: Social and Digital Media Confront Increased Regulatory Review | CARU, COPPA, and Children's Advertising: New Rules, Enforcement and Rising Concerns by Congress and Different State Legislatures on What is Appropriate for Young People in Wide Range of Ages
April 17, 2024

Event

GALA Annual Global Advertising Law Conference | Hot Topics in Global Advertising Law
March 13, 2024

Press Mention

Bloomberg Law | Utah Lawmakers Prepare Rewrite of Teen Social Media Restrictions
February 14, 2024

Press Mention

Law360 | Social Media Is Now a 'Product,' but Forget New Regs in 2024
February 9, 2024

Alert

2024 Top 10 Advertising + Marketing Trends: Balancing Risks & Rewards
January 24, 2024

Press Mention

Law.com | FTC Making It Tougher for Online Sites to Share Children's Info
January 22, 2024

Press Mention

Law360 | What To Watch as Drive To Protect Kids Online Heats Up
January 17, 2024

Press Mention

AdExchanger | How Will Contextual Advertising Fare When The FTC Revises Its COPPA Rule?
January 8, 2024

Alert, Maintaining Your Competitive Advantage with Proactive Privacy and Data Protection Strategies

Unwrapping the FTC's Proposed Updates to the COPPA Rule
December 21, 2023

Alert, Are Your Influencers Putting You at Risk?, The Fine Print: Stay in Compliance without Losing Your Edge

Whose Ad is it Anyway? NAD Finds "Sponsored" Insufficient Disclosure of Material Connection in Social Posts
December 13, 2023

Event

Association of National Advertisers | Masters of Advertising Law Conference 2023
November 15, 2023

Alert, Exploring the Metaverse and Web 3.0 – More than Crypto and NFTs

CARU's New Metaverse Guidelines: Safeguarding Children in the Digital Frontier
October 11, 2023

Alert, Maintaining Your Competitive Advantage with Proactive Privacy and Data Protection Strategies

California's Age-Appropriate Design Code Blocked on Constitutional Grounds
October 2, 2023

Alert, Are Your Influencers Putting You at Risk?

Blurred Lines: FTC Report Finds Blurred Advertising Can Harm Kids
September 20, 2023

Are Your Influencers Putting You at Risk?, Event

D+G Hosted Event | Welcome to the New Era of Influencer Marketing: Reaping the Rewards while Reducing Your Risk
September 13, 2023

Press Mention

The Economist | Regulation Could Disrupt the Booming "Kidfluencer"
July 27, 2023

Alert, Are Your Influencers Putting You at Risk?, The Fine Print: Stay in Compliance without Losing Your Edge

The Deep Dive: FTC Updates Endorsement Guides for Modern Marketing and Advertising
July 11, 2023

Press Mention

The Wall Street Journal | New FTC Guidelines Could Prompt Marketers, Influencers to Revisit Endorsement Practices
July 4, 2023

Alert, Are Your Influencers Putting You at Risk?, The Fine Print: Stay in Compliance without Losing Your Edge

14 Years in the Making: FTC Unveils Updated FTC Endorsement Guides
June 29, 2023

Alert, Are Your Influencers Putting You at Risk?, Exploring the Metaverse and Web 3.0 – More than Crypto and NFTs

Roblox Found in Violation of CARU's Advertising Guidelines
June 8, 2023

Credentials

Education

Fordham University School of Law (J.D., 2001)
Georgetown University (B.A., *cum laude*, 1995)

Distinctions

- *The Best Lawyers in America*® 2020-2024, Advertising Law
- *Chambers USA: America's Leading Lawyers for Business*® 2018-2023, Nationwide: Advertising: Transactional & Regulatory
- *The Legal 500 United States*® "Leading Lawyer" 2020-2023, Advertising and Marketing: Transactional and Regulatory
- *The Legal 500 United States*® 2013-2022, Advertising and Marketing: Transactional and Regulatory
- *The Legal 500 United States*® 2020, Cyber Law (Including Data Privacy and Data Protection)
- *PR News* "Leader in Influencer Marketing" 2019

Bar Admissions

New York

Court Admissions

U.S. District Court Southern District of New York

Associations

Member, Davis+Gilbert Growth and Planning Committee

Member, Davis+Gilbert Women's Forum Committee

Member, New York State Bar Association

Member, Children's Advertising Review Unit's Supporters Council