Whether you’re online or offline, marketing today is an innovator's game. The businesses that take risks and push boundaries are the ones that will succeed in building their brand and getting their message heard. Creative marketers need to partner with experienced legal counsel to help guide them on avoiding legal pitfalls and other potential repercussions that may occur due to marketing laws.

At Olshan, we’re committed to being a cutting-edge partner to today’s emerging brands and marketers. From advising on legal compliance in using social media marketing to conventional advertising methods, we’ll work with you to help ensure your interests are protected.

Contact our offices in New York today for more information about how our lawyers can help you with your marketing law questions.

Our Practice

The Advertising, Marketing & Promotions practice group provides constructive and effective legal advice in the ever-evolving advertising and promotional marketing arena. Whether utilizing the latest in new digital technology to conduct a sweepstakes or delivering their message through traditional or social media channels, the advertising and promotional marketing clients of Olshan rely on the group for innovative and proactive legal advice that allows them to market effectively.

The Advertising, Marketing & Promotions practice group offers sophisticated, experienced advice. The group regularly represents clients in regulatory inquiries and defends litigation brought by federal, state and local regulatory bodies. The group has a significant competitor advertising dispute practice.

Many law firms are quick to say "no" to great advertising ideas. Not us. At Olshan, our marketing attorneys take pride in finding creative solutions to legal challenges.

Our Team

Olshan’s advertising marketing and promotions practice group has been regularly recognized by leading peer and client reviewed authorities such as Chambers USA and Legal 500 United States. The group is chaired by Andrew B. Lustigman, a respected authority on advertising law. He has been consistently recognized by Chambers USA, Legal 500 United States as a “Leading Lawyer” in Advertising and Marketing: Transactional, selected by his peers for inclusion in The Best Lawyers in America for his distinguished work in Advertising, as well as Super Lawyers – a Thomson Reuters lawyer rating service. With over 20 years experience in advertising law, Andrew regularly appears on television, radio, and in publications such as the National Law Journal, Inside Counsel, Bloomberg BNA, Law360, Mobile Marketer, Luxury Daily, and Response discussing important new cases and trends that advertisers and marketers.
need to know. He also has contributed to the Brand Activation Association/Promotion Marketing Association’s Promotion Marketing Law treatise and various American Bar Association publications. He frequently speaks on advertising and promotional marketing law topics throughout the country.

Other marketing attorneys on the team include Tamara Carmichael, who has been recognized in the Legal 500 United States in Advertising and Marketing: Transactional as a “Recommended Lawyer” and named to the New York Super Lawyers list since 2012. Scott Shaffer, who has been recognized in the Legal 500 United States and is prominently involved in litigation and sports and entertainment law, and Sheldon Lustigman, who has been AV-rated (“Preeminent”) by Martindale-Hubbell for over 30 years and consistently named to the New York Super Lawyers list since 2009.

Our collective resources allow us to offer dedicated service to each of our clients. Whatever your specific needs are, we’ll listen to your concerns and help you develop an innovative solution that will protect your interests, both now and in the future.

A NATIONAL REPUTATION

Our marketing attorneys represent some of the leading advertising, ecommerce, and technology businesses in connection with their marketing endeavors. The practice group’s attorneys are active members of key trade associations and regularly write and speak on advertising and promotional marketing law topics. The group’s attorneys are nationally recognized by client and peer-reviewed rating groups such as Chambers USA, Legal 500 United States, The Best Lawyers in America, Martindale Hubbell, and Super Lawyers for their abilities and effectiveness in the advertising and promotional marketing law practice areas. Notably, Chambers USA, a leading legal directory that publishes annual rankings based on interviews with thousands of clients and peers, has repeatedly recognized two of our attorneys for their abilities and effectiveness in advertising and promotional marketing law. According to Chambers, Andrew Lustigman is acclaimed by peers for his skill as an NAD practitioner and for his traditional advertising expertise, with Chambers noting, “He offers significant expertise in promotions and marketing issues, among other matters.” Chambers USA: America’s Leading Lawyers for Business, a prestigious annual ranking of law firms and attorneys, has acknowledged Olshan as a leading law firm in Advertising: Transactional & Regulatory Nationwide. The Legal 500, a London-based directory of leading and recommended lawyers, listed Olshan for Media, Technology & Telecom work. The publication affirmed that Olshan’s Advertising practice “is known particularly for its capabilities handling sweepstakes and contests, advertising clearance, and advising on direct marketing law and in regulatory investigations.” Additionally, Olshan’s Advertising practice was cited for “specializing in sweepstakes, advertising clearances, regulatory investigations, direct marketing law, NAD matters and mobile marketing” and that “Litigation is also key for the team.”

A BROAD CLIENT BASE

Our clients include many of the country’s most creative advertising, promotion, social media and direct/interactive marketing agencies, industry suppliers, as well as marketers of a broad array of products and services. Clients range from large publicly-traded companies to entrepreneurial start-ups to other law firms who do not service
clients in these areas.

**Diverse Practice Areas**

Our goal at Olshan is to enhance our clients' advertising and promotional marketing efforts while minimizing the risk of competitor challenges and regulatory investigations relating to allegations of unsubstantiated or deceptive advertising. Should a problem arise, we are experienced and effective legal advocates who will fight to protect your interests.

We serve clients in virtually every aspect of advertising, marketing and promotions law, including:

- Advertising Business Litigation
- Advertising Substantiation and Claim Clearance
- Advertising Regulatory Investigations & Litigation
- Affiliate Marketing Business Agreements
- Boxing & Sports
- Competitor Litigation and Advertising Challenges
- Consumer Class Action Defense
- Consumer Protection/Fraud Defense
- Direct Marketing Law
- Environmental “Green” Marketing
- Food, Drug, Dietary Supplement & Cosmetic Advertising
- Intellectual Property and Licensing
- International Marketing and Promotions
- Internet, Interactive & Mobile Marketing Law
- Privacy Law
- Social Media Law
- Sweepstakes, Contests & Promotional Marketing Law
- Technology Law
- Telecommunications
- Telemarketing
- Telephone Consumer Protection Act (TCPA) Defense
Promotions Law

Conducting a sweepstakes or other promotion is one of the most reliable methods of generating interest in your brand, lead generation, and acquiring social media followers. It is also a great way to build existing customer loyalty and cement relationships with partners. However, many businesses that are unaware of the legalities in conducting a promotion can inadvertently open themselves up to expensive liability issues.

Promotions law is a vast field that covers several contingencies — it requires a skilled legal practitioner to navigate. While it is tempting to think that protecting your interests is as simple as posting a disclaimer along with your contest rules, the reality is that each promotion is different and each requires independent review from an experienced legal counsel.

This is not to say that holding a contest or promotion is more trouble than it is worth — in most cases, the benefits far outweigh the risks. However, hiring a promotions law attorney can help you identify potential issues and help ensure you’re not breaking any anti-gambling laws or other New York State legislation.

Olshan provides experienced legal counsel to clients of all sizes. Whether your promotion is international, national or limited to a small geographic area, we’ll work with you to help protect your interests at all times.

Focus on Providing Creative Legal Solutions

The Advertising, Marketing & Promotions practice group prides itself on finding creative solutions to clients’ legal challenges. While too many attorneys are quick to say no to great advertising ideas, the group's philosophy is "Let's see how we can do this, together." Indeed, Chambers USA reported that Andrew Lustigman was cited by clients as “pragmatic and always looking for solutions that meet a specific client's needs.”

Contact Us Today: 212-451-2300

Related Website

www.sweepstakeslaw.com

NOTEWORTHY

RESOURCES

MARKETING LAW BASICS

The promotions lawyers at Olshan provide experienced legal counsel that helps protect the business interests of their advertising and promotional clients around the United States and Canada, including New York, New Jersey, Florida, California, Nevada, Pennsylvania, Toronto, Montreal, Ontario, Quebec, and around the world.

Our marketing law attorneys have authored a variety of helpful marketing law articles and resources on this Web site. Please review these materials and contact our
marketing law office to learn more about how we can help you with your next advertising and promotions campaign.

**Direct Marketing Law Basics** - Please email us to request our white paper, which explains the key concepts marketers need to know about the laws governing direct marketing, including direct mail, faxing, telemarketing, e-mail marketing, and sweepstakes and prize promotions.

**Sweepstakes Law Basics** - A 2-page document highlighting the basics of sweepstakes law.

**Prize Promotion Traps for the Unwary** - This 2-page document provides a heads-up to the most common legal problems sweepstakes and contest sponsors encounter.

**FTC Enforcement Basics** - A 5-page overview of the FTC and its enforcement procedures, highlighting administrative hearings, district court actions, and injunctions.

*These publications are issued by Olshan Frome Wolosky LLP for informational purposes only and do not constitute legal advice or establish an attorney-client relationship. To ensure compliance with requirements imposed by the IRS, we inform you that unless specifically indicated otherwise, any tax advice contained in this publication was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any tax-related matter addressed herein. In some jurisdictions, these publications may be considered attorney advertising.*

**ADVERTISING LAW BLOG**

Advertising Law Blog provides commentary and news on developing legal issues in advertising, promotional marketing, Internet, and privacy law. This blog is sponsored by the Advertising, Marketing & Promotions group at Olshan and is focused on finding creative legal solutions to its client's advertising challenges and compliance matters. The practice is geared to servicing the needs of the advertising, promotional marketing, and direct marketing industries with a commitment to providing personal, efficient and effective legal service.

**NEWSLETTERS**

The Advertising, Marketing & Promotions group's quarterly newsletter covers topics of interest to the firm's clients in the areas of advertising challenges and compliance, sweepstakes and promotions, direct marketing, new media and other relevant legal issues. Also included are recent articles and publications by the attorneys.

Our goal is to provide this newsletter on a complimentary basis to our clients and contacts. We welcome your suggestions on the type of content that interests you and the ways we can make this a useful resource to meet your needs.

If you are interested in subscribing to this newsletter, please click here.

If the success of your next marketing campaign is critical to the success of your business, contact the Advertising, Marketing & Promotions group at Olshan to
speak to a knowledgeable marketing law attorney who can explain how the law applies to you.