

False Advertising Lawsuit Names Celebrity Endorsers as Defendants

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A class action lawsuit was recently filed against Power Balance LLC and NBA players Shaquille O'Neal and Lamar Odom regarding claims made by Power Balance, O'Neal, and Odom about Power Balance athletic bands. The complaint alleges that Shaquille O'Neal, a paid endorser for Power Balance, claims that he had been the subject of kinesiology tests which showed improved strength and balance when O'Neal wore the Power Balance bands. The complaint also alleges that Lamar Odom, also a paid endorser for Power Balance, claims that "playing at a championship level requires you to perform at your peak day in and day out. The Power Balance silicon wristband helps me keep that balance." The complaint further alleges that Power Balance allegedly has no scientific or objective basis to assert that its products are capable of delivering the advertised performance, and that the kinesiology tests relied upon by Power Balance are not adequate substantiation. The plaintiff asserts that the conduct of all of the defendants, including Power Balance, O'Neal, and Odom, violates the California Consumers Legal Remedies Act and constitute false advertising and unfair competition under the California Unfair Competition Law.

TIP: Celebrities who are compensated for their endorsement must base statements about products or services based on their honest opinions and beliefs, and their experience with a product; but express claims about the performance of a product must also be substantiated by reliable scientific evidence. Both the advertiser and the celebrity endorser could potentially be held liable for false advertising if claims made by the celebrity endorser are not adequately substantiated.

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