

VIEWPOINT

Lawyers Target SpongeBob's DeepPockets

STEVE HANTLER

Life truly is stranger than fiction. Consider the latest stunt by the trial lawyers industry. They want to nail SpongeBob SquarePants as a purveyor of dangerous children's food products — a pusher, as it were, of dangerous and perhaps illicit substances.

A group of self-appointed "activists" have notified Kellogg Co. that they plan to file a lawsuit over they way the company markets food to children, especially sweet stuff like Pop Tarts. They also notified Viacom Inc. they're being sued for providing Mr. SquarePants as a pitchman.

I am not making this up.

Poor SpongeBob SquarePants. It wasn't long ago another group of do-gooders was accusing him of moral lapses. Now he's accused of pushing "food of poor nutritional quality" on helpless children and their parents. The plaintiffs are the Center for Science in the Public Interest and the Center for a Commercial-Free Childhood, plus a few parents.

Lawsuit Loops

Of course, many kids today have lousy diets, too heavy on sugar and light on nutritional value. But it says a lot about our lawsuit-happy culture — not to mention the decline of personal responsibility — that we think the solution to this problem lies in the courts, not with parents. And if this case goes forward, you can be sure of one thing: It isn't the children who will benefit.

The SpongeBob lawsuit, soon to be filed in Massachusetts, calls for fines of \$25 each

time a child under eight years old sees the targeted ads on Nickelodeon. It also demands \$25, according to The Wall Street Journal, "for each time a child sees an ad for a nutritionally poor Kellogg product during children's programming on any media, or simply sees a Kellogg package with a Nickelodeon character on the box."

If that's not a buck grope, I don't know what is. These folks are trying to pick the deep pockets of SpongeBob's square pants.

This is not the first time enterprising "public interest" groups and enterprising trial lawyers have joined forces to strike it rich by suing the food industry over selling sweets to families with kids.

A few years ago the makers of Oreo cookies were sued, on similar grounds. In a similar vein, last year an appellate court reinstated a suit against McDonald's by two teenagers who blamed Ronald McDonald for their weight problems. He, after all, tricked them into eating all those hamburgers and their parents somehow left it to a corporation to feed their kids.

These lawsuits do tend to have a hard time in court, mainly because, as one expert told the Journal, "you cannot identify the harm and you cannot identify a remedy."

Yet they can succeed even when they don't bring home all the bacon. Sometimes the suits are settled as nuisances. In the early 1980s, for example, General Foods Corp. paid a ransom-like \$10 million to settle a case targeting breakfast cereals, which was a sweet deal for the activists; the proceeds went to fund one of their pet causes.

In the Oreos case, the suit was quickly withdrawn but the activists got lots of free

advertising for themselves and their cause.

The argument behind these cases is that corporations, by providing products that people like and choose to buy, are guilty of harming the public good. The idea that people are responsible for their own actions, including supersizing those French fries, has no place in this scheme.

Parents are also said to suffer legal harm because they have to put up with "pestering" by their children to buy tasty cereal. I wonder if I can sue Apple since my teenager keeps bugging me for a new iPod.

Shakedown Street

Let's be clear: These lawsuits are nothing short of shakedown attempts aimed at deep corporate pockets. So we have the spectacle of plaintiffs treating Pop Tarts, Keebler cookies, and the ever-dangerous Scooby-Doo Berry Bones as if they were a sweet variation of crack cocaine.

In a saner world these types of suits would never see the light of day. Legal reforms that force buck-grope plaintiffs to pay the legal bills of their targets when they lose cases like these are an important first step to reform.

In the meantime, my sympathies go to poor SpongeBob SquarePants. In our twisted legal era, even cartoon characters find themselves under siege. And, there is nothing funny about that.

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