

(Intro music)

Kirk McDaniel: Welcome to Sidebar, a podcast by Courthouse News Service. I'm your host, Kirk McDaniel. Look around, dear listener. Everything is heart-shaped and pink. People are getting ready for a special night with their special someone. I'm here with Amanda Pampuro in Denver to talk about the season of love.

Amanda Pampuro: You mean the season of lies?

KM: Lies?

AP: Yeah.

KM: I thought you were going to talk about advertising behind matchmaking services and champagne products that brings people together?

AP: And the lawsuits that challenge those kinds of claims.

KM: Oh, it's marketing. It's allowed to embellish. Everyone knows that there's no such thing as a real love potion, right?

AP: To a point. The matchmaking services that advertise helping people find and form these relationships, half of people using them say they've been contacted by a scammer. That's according to Pew. Romance scams generate big money. In 2022, 70,000 people reported being scammed out of a collective \$1.3 billion. On average, people lost around \$4,000 each from digital suitors.

KM: So, what, they tell you they love you and they ask you to pay their rent?

AP: Or that they'd come visit if they only had gas money or bail or Bitcoin.

KM: Bitcoin?

AP: Of course. I'm going to tell you about one person solicited by dozens of scammers on a dozen different dating sites. He does want us to use his real name and was concerned that folks who know him might recognize his voice, so let's call him AI. I used an AI generator on the transcript of our conversation.

AL: You know God help me for even saying this. There was a time when it wasn't creepy back in the early 2000s to get a date on Craigslist, but back in the day you could write a really good profile or a really good post and get some really interesting matches, before it became synonymous with sex work and Nigerian scammers. Then I transitioned to OKCupid and had many great relationships with two or three years and then they ended, and I go to whatever the new thing is, and so that transitioned into Tinder and then after Tinder into all the other apps, Bumble and Hinge.

AP: Do you think that the way people meet today that you're almost obligated to maintain an online platform instead of, you know, going to the bar or the gym and trying to meet people impromptu?

AL: I think when you're dealing with some of the younger generation, they actually see it as an affront if you talk to them outside of a line of communication that they've established. So, once upon a time, you walk up to a girl at a bar and you just say hi, and they know you're at a bar to meet people. They're at a

bar to meet people. That's understood. And now it's like if I was interested in you, I would swipe right on you.

AP: I heard this from a few men I spoke to. They're worried about coming off as harasser if they just approach someone. Dating platforms take some of the guesswork out since both users signed up looking for some kind of relationship. Have you noticed an uptick in spammers, bots, fake accounts?

AL: I mean it's jaguars and cheetahs and antelopes, so like they'll get better at one thing and then everybody else will get better. The big one on all these like, oh, now we're doing profile verification, all right. Well, you can see in the first picture, the one where they verified the profile, is a Black guy from somewhere in West Africa holding his hand up like they told you to. And then all the other ones are a woman. So, he verified his profile with his real picture and then he took it down or, in this case, he forgot to take it down. So, he still gets the verified badge, even though it's clearly not him. Ultimately, I don't hold the platforms responsible for them having bad actors on there, but I hold them responsible for when you try and do something about it and then they go, no, you're not allowed to do that.

AP: This is how AI got into trouble. After Covid, he was working remotely and traveling a lot. When AI travels, he uses dating apps to find cute, usually platonic, local guides. He says he's made a lot of good friends this way but of course he's also had to develop his own profile vetting system along the way. Think about it: A crypto scammer is not going to take you to a cool underground karaoke bar, so AI uses an AI-driven reverse image search engine. When he discovers someone's profile pic is a K-Pop star or a TikToker, he investigates.

AL: When I see a picture and go, wow, she's really good looking, let's see if she's a sort of influencer on Instagram. Oh, she is. Well, look at that. I write her on Instagram. Go hey, are you on Hinge? No, I'm not. She's using your pictures. There you go.

AP: AI keeps reporting spammers and eventually someone comes back and reports him to Bumble. Yes, Bumble prohibits impersonating accounts, but it also has a policy against taking profile content off their app, which AI does to run his reverse image search. He got kicked off even though he paid for a lifetime membership. AI ended up suing in small claims court and got a default judgment. Dating platforms are inundated with pro se lawsuits, so it's no surprise Bumble didn't send an attorney out to LA. It's cheaper to pay the \$200 judgment than to even call a lawyer.

KM: If someone like AI can vet accounts that easily, why doesn't the platform just do the same thing?

AP: Advanced vetting technologies like this open a Pandora's box of privacy issues. Like, what if that Instagrammer wants to keep her thrifting and cake channel separate from her dating life? And up 'til now, dating platforms haven't really been held responsible for the content individuals post. Ahem, Communications Decency Act Section 230. The FTC soon Match in 2019, claiming the platform induced people to subscribe to read messages sent by spammers. Using Section 230, a federal judge was quick to throw out the claim that Match exposed users to fraud.

KM: But dating platforms have to weed out bad actors, don't they?

AP: In an email, Match told me that they use technology and human moderation to remove spam accounts. They estimate they remove 44 fake accounts every minute, about five million a quarter, and they get about 95% of them. But, is there really an incentive for platforms to do more than what they are

already doing? After all, dating platforms are in the business of making money. I asked University of California San Diego Sociologist Kevin Lewis whether platforms are incentivized to weed out bad actors.

Kevin Lewis: That's a good question and, I'm not sure that they are. I mean, these fake accounts are irksome, to say the least, to other people. But ironically, if you've got a persuasive fake account that is attracting, I don't know, attention, swipes, clicks, it's engaging other people. So, I think the users want the sites to say, yeah, this is a problem. We're going to root out these fake accounts and get rid of them. But from a business perspective, I don't know if that gets a bit murkier.

AP: Kevin's early work focused on how people form and maintain relationships on Facebook and dating websites when those were both very new things. I asked him how online dating passed the tipping point and became normal.

KL: I think you've got a society that's increasingly digital. You've got an increasingly mobile society where people are moving around the country and the globe, making online dating again attractive, because you can very quickly find a potential partner even if you're new to a community, as opposed to having to put down roots and get to know people. A busier society making the efficiency of online dating attractive and, frankly, I think the last thing standing in the way of it was just norms, the stigma about meeting someone online that, over the years, has been, to my mind, pretty solidly eroded. And then the pandemic, you know it was maybe one final push that made a lot of people comfortable with meeting a partner that way, such that it is now the most common way that their relationships start.

AP: You said that some of your early work was on Facebook. I've been wondering if dating platforms operate inherently differently than, say, Facebook or Netflix in terms of trying to match people up.

KL: Let's see, Facebook and online dating are both facilitating connections, although in the case of the former, to my mind, it's more about maintaining relationships you already have as opposed to forging new ones. Of course, online dating and Netflix both have in common they would like to recommend, quote products or people that you're interested in. One way I might say that they're a bit different is that they're in the business of making money and then, to that end, there's kind of a delicate balance in that, you know, if a dating site, let's say, were too successful, you've got a bunch of lost customers.

AP: Before the rise of the internet, couples mainly met through friends and family, acquaintances who did the job of vetting potential mates. With the expansion of the digital dating space, that vetting now happens after couples meet, sometimes after they've been chatting for days or even weeks.

KL: You know the strength of online dating is also its greatest weakness. You're meeting someone about whom you know nothing. You don't know what they're going to be like, you don't know if they'll get along. You don't know if they'll have bathed in the last week or be very awkward, and if they, you know, don't treat you well, there's basically no social recourse in a way that there is with connections in common.

AP: Instead of having your friend tell you Joe Schmo is a great guy, you fact check his profile by making sure his LinkedIn is active and then hop on Facebook to confirm he's not on an Are We Dating The Same Guy? thread.

KL: It's a very similar mechanism, but in reverse order. You don't have that knowledge going into a meeting, but after you have, you can share information with others who might benefit from it. The

critical thing that these platforms usually don't have access to is what happened. Because you match, you meet up and then the data trail stops. Or sometimes you match and then immediately switch over to texting or calling and the platform has no idea what happens there. That was a limitation of my own research.

AP: Yeah, you don't know if they're married with kids, or there was a crypto scheme and someone's out \$100,000.

KL: That's exactly right. It turns out it's a very consequential distinction.

AP: False advertising claims can only do so much against dating scams, whether it's at the account level or its platforms perpetuating them.

KM: Okay, I hear what you're saying, but more people are falling in love than ever. That's a good thing, right?

AP: More people are connecting, but companies are making money off that process and scammers are getting away with billions on the side. They're monetizing love.

KM: You know you're not making this holiday very fun.

AP: Cupid has some pretty sharp arrows.

Nina Pullano: Hey Sidebar listeners, this is Nina Pullano, a former co-host of this very podcast. I want to quickly talk about a new project at Courthouse News that I'm pretty excited about. If you're like me, following legal news can feel like an onslaught of major court cases and seminal rulings that set precedent and lay the foundation for the future of democracy, but by the time Friday rolls around, I feel like I can barely remember what happened on Monday. That's why we started Closing Arguments, a newsletter that unwinds the big news of the week thanks to our steadfast reporters tracking courts across the U.S. and abroad to help our readers stay up to date and drop that memory. Plus, you'll see what everyone else is reading with our top eight most read stories of the week and get a rundown of new cases and rulings that may have slid under the radar. Sign up on our home page, [courthousenews.com](https://courthousenews.com), and find us on Fridays in your inbox. Back to you, Sidebar.

(Champagne pops)

AP: Champagne is probably the unofficial beverage of Valentine's Day, so let's talk mimosas. What is in a mimosa?

KM: Champagne and orange juice.

AP: If we were perusing the cooler aisle at the store and you saw canned mimosas, what would you think they contained?

KM: I would think they had champagne and orange juice.

AP: What if you got home, cracked one open with the wife and only then realized they did not contain champagne?

KM: I think I'd say these are not the bubbles you were looking for, but I don't know that I'd be mad enough to sue. They just have to be sparkling wine, right.

AP: Not even that, just some undisclosed alcohol. Could be moonshine, for all you know.

KM: Okay, I guess, depending on how my Valentine's Day is going, I might be okay with that, but it's still not what I thought I paid for.

AP: On behalf of a client, Long Island attorney Spencer Sheehan filed a suit against Molson Coors last October over the Vizzy mimosa hard seltzer drink, which does not contain any sparkling wine. In an email a spokesperson from Molson Coors said, quote Vizzy mimosa hard seltzer is a mimosa flavored hard seltzer beverage. Considering Vizzy's cost of about \$20 for a 12-pack, it's clear the product is not champagne based. Per the Courthouse News database, Spencer has filed more than 600 lawsuits over the last decade.

Spencer Sheehan: Be careful about those big, you know candy filled hearts. You know the ones and those huge, oversized boxes where you think you're getting, you know, maybe dozens of, you know, those delicious chocolate truffles and then you open it up and it's like one of those Russian dolls where it has like the packaging and all of those inserts in there with all the different plastic packaging, and you see that in that huge box it's maybe like 16 inches in diameter and you'll see, maybe you'll get four or so or maybe half a dozen actual chocolate pieces. So, just be careful, you know, just don't be too disappointed when your sweetheart gets, you know, this big box of chocolates and they're hardly any in there.

AP: That's slack fill, another pet peeve in the false ad space. Spencer isn't the only attorney filing class actions over misleading food packaging, but he's become very well known for it.

SS: No, it just seems like it's a lot, only because you know if you focus on it, it's just you know these types of cases. They may get a certain amount of attention because they deal in many ways with consumer-packaged goods.

AP: This guy's gone up against fruit and grain bars not made with fruit, salt and vinegar potato chips that don't contain vinegar, even Hershey's white chocolate, which has neither cacao nor cocoa butter.

KM: But it's candy! Don't we all already know that it's full of artificial yum-yums?

AP: Yeah, but these lawsuits hit the question of what we can reasonably expect when we buy something in the store.

KM: Nothing, nothing at all.

AP: Isn't that terrible?

KM: No, it's a company's job to sell you a product. You should know that going into any store.

AP: As a consumer, though, I want to eat good food without having to read up on academic journals first. There are studies on the kinds of labels that confuse customers into thinking they're buying something nutritious when it's full of junk. And the strangest part is a bunch of the really bad ones are perfectly legal.

Jennifer Pomerantz: I have a natural love of food labels. I've been like inspecting them forever. My name is Jennifer Pomerantz. I'm an associate professor at the NYU School of Global Public Health. Food labels have such potential to be a vehicle to provide transparent and clear information to consumers. People

are inundated with marketing and other types of information, but at least basically every consumer at some point interacts with the food label.

AP: I'm imagining the kids sitting at the breakfast table with that cereal box and they just can't take their eyes off of it, and all the information you can put in there.

JP: Yes, it's exactly right. Yeah.

AP: In 2020, Jennifer worked on a survey of 1,600 parents looking at drinks marketed to young kids. Ninety percent of parents knew which drinks had added sugar. That was easy, but only half could tell which had non-nutritive sweeteners like Stevia or Splenda, which aren't good for you either. The survey found a bunch of parents thought unsweetened juice had sugar, and some thought flavored water was sugar-free. The study drills down into how confusing it can be to figure out which is the best drink for a kid, knowing the American Pediatric Association says sugary drinks have long-term health risks for kids.

KM: Are we even talking about soda?

AP: No, just juice and flavored water. Next, Jennifer studied the labels on kids' drinks and found most of them were following the rules. The FDA has even said its own rules won't help people figure out which lemonade package picturing fresh lemons has actual fruit in it.

JP: Yeah, it's really difficult to find healthy drinks unless you study food labels. This is one of the areas where I'd say it's probably the most difficult. There's a big movement to get disclosure of non-nutritive sweetener on the front of the pack of the drink and also the percent juice, instead of being on the side. There is, the requirement is that the percent juice has to be above the nutrition facts panel, which is not automatically noticeable, so on the front would be helpful. And also, just the only way to find out if there are artificial sweeteners are if you know the chemical terms for them and read the ingredient list, which is really unfair to consumers.

AP: Jennifer did similar work, comparing caregiver confusion around formula and breast milk. If you think formula has more nutritional benefits than giving a baby breast milk, that is due almost entirely to marketing.

JP: I was thinking about this. I've been thinking about it since your email. Like, what's the most harmful of the claims? I actually think that breast milk comparison claims on infant formula and toddler drinks. American Academy of Pediatrics suggest they remove it, it's too misleading. We know that more than 50% of parents think that infant formula is better than breast milk, and it's all from marketing and so anyway, I'm not even like one of these huge pro-breast-feeding people, I'm just again, it's about transparency and accurate information.

AP: Jennifer wants to see more scrutiny around claims of nutritional benefits. Take structure function claims, where you can simply state what an ingredient is like calcium builds strong bones. But I could also tell you that unicorn shaped foods produce endorphins, and I don't even have to show you the study I conducted.

JP: The FTC, the Federal Trade Commission, does look at whether there's any type of scientific evidence that supports structure function claims, but the FDA does not regulate them. So, what that means is they're supposed to be truthful and not misleading, but in reality, they're not required to disclose the

evidence for these structure function claims and those some of these really do sway consumers because they're not required to disclose the science.

AP: The FTC went after Kellogg's for this in 2010 when they tried to claim the added vitamins helped boost kids' immune systems.

Kellogg's ad: Even when they've stopped popping, they haven't stopped working. Now, every box of Kellogg's Rice Krispies cereal has antioxidants and nutrients that help support your child's immune system.

AP: Kellogg's ended up paying the feds \$5 million for that one. There's been a lot of similar claims in the whole grain space, sending regulators to parse out which products have the benefit of whole grains, and which tastes just grainy enough to warrant putting it on the box.

JP: Products that are like whole grain junk food. That's really unhealthy, but just because they added some whole grain, they market it as a whole grain product and it's very confusing to consumers where they know that they're supposed to eat whole grain but that's not what the dietary guidelines mean when they say whole grain, like whole grain Cheez-Its or whatever, Pringles or whatever. These are not the whole grain we're looking for.

AP: If we're seeing an increase in food litigation, Jennifer says it's a sign that regulations aren't doing what they're supposed to. Many of the FDA's rules are more than 30 years old, even though nutritional knowledge and the market have changed a lot since then.

JP: Well, so there's a ton of food label litigation, as you know. I'd say it's an enormous area and I do think it's necessary because the FDA hasn't really updated regulations on these areas for a lot of different products. But most of these juice and fruit drinks are actually following the FDA regulations. It's just that the regulations are outdated and need to be changed.

AP: Do you think that consumer driven lawsuits are impactful and change the way food is marketed or put better products on the shelves?

JP: Yes. So, I used to think in the old days like, oh, we just need to change the regulations, but you know what? They haven't changed. It's been 20 years since I've been calling for changes. They really haven't changed. So, over these years I've really seen that litigation has come into kind of play a role as an indirect regulatory method, and I do see the value in that. The example that was a really big issue was the term natural, and there were a bunch of lawsuits about products that claim to be natural, like I just remember Snapple.

Snapple ad: All natural Snapple sodas in great tasting natural flavors Crystal Cola, True Root Bear, Orange Sprite, Ginger Ale, Lemon and Lime, French Cherry, and all are made with pure Pocono mountain water, so make the switch to natural, delicious and refreshing Snapple sodas.

JP: The lawsuits originally lost. They just kept losing and then one day some of the courts said to the FDA, please can you define natural?

AP: In the early 2010s we had Cox v Gruma Corp. and Barnes v Campbell Soup in the Northern District of California, then Van Atta vs General Mills in Colorado, all directing the FDA to define natural. Around

2016, the FDA put out a call for public comments indicating it was ready to update its definition of natural, and then...

JP: They never did it and finally the lawsuits started winning, and so some of the companies did stop using the term natural. Well, my understanding is the tide turns back, because the FDA did not end up finalizing its rule on natural, so they started using the term again, but for some period of time it did change things.

AP: The bar courts use is the reasonable consumer. Would a reasonable consumer of this producer believe what the package says they are getting. What exactly a reasonable consumer thinks and knows depends on the market they're shopping in and, with the judge, thinks. Take the class action against Reese's Halloween-themed peanut butter cups, filed in the Middle District of Florida on December 28, 2023. The package shows pumpkin shaped chocolate with the eyes and a mouth cut out to make the shape of a jack-o-lantern. There's also a ghost version. Both candies are just kind of oval shaped and do not have faces.

Rob Freund: There's a number of greatest hits, I guess you could say, that are sort of perennially popular. I'm Rob Freund. I'm an advertising and e-commerce attorney. I have my own firm called Robert Freund Law. The question that a court will ask is is this alleged misrepresentation one that a reasonable consumer would find material to the purchasing decision? So, putting yourself in the shoes of a reasonable person, is it plausible that the candy consumer would find it significant that the ghost shaped Reese's doesn't actually have ghost eyes carved into it. If a reasonable person might say, you know what? I wouldn't have bought this if I knew that it was just in the shape of a ghost and didn't have the eyes cut out, and I would not be aware that that was the case before I bought it, then you could have a false advertising claim there that's legitimate.

AP: Do you have in your head who the reasonable consumer is?

RF: What the court's job is in making that determination is it's supposed to be an objective consideration, but it seems weird to say that because your objective determination of what a reasonable consumer is, that's inherently a subjective kind of thing to try to do. But the reason we're calling it objective is it doesn't matter what the name the plaintiff subjectively thought. If we're, if we were to consider who the typical Reese's customer is, what would they find reasonable? On Twitter I heard both sides of it. I heard people saying you know, you buy Reese's because they taste good and, yeah, it looks a little bit different for Halloween and you can't expect you know perfectly carved jack-o-lantern and you shouldn't expect that because if you cut shapes in this thing then air would get into the peanut butter and it would get crusty and nobody, you can't reasonably think it would be that way because the food would go bad, or something. I've heard, on the other hand, I heard from parents who said the whole reason I bought this is because the kids like the shapes, because they're fun. I don't really care about what it tastes like. I wanted a fun little Halloween candy for my kids to enjoy and they were sorely disappointed. So, I think that it's not accurate to look at that case and just completely dismiss it as being frivolous.

AP: I also asked Bonnie Patten, executive director at the nonprofit Truth in Advertising, how she defines the reasonable consumer.



Bonnie Patten: Right. I do think that the federal courts in particular are holding these plaintiffs and class actions to a fairly high standard of what the reasonable consumer is.

AP: I failed it, by the way.

BP: Right, based on you know, courts, rulings or what brands and companies are arguing in court, and we disagree with a lot of those rulings. We think that the standard that these courts are using is the bars just set too high.

AP: Under that quiz, a reasonable consumer would know lemon snaps don't contain lemon. All natural tropical juices contain trace amounts of toxic PFAS and Texas Pete hot sauce that comes from North Carolina. How would you define or set the bar for a reasonable consumer?

BP: I would say it's what the average consumer would believe a claim to mean.

AP: Looking at cases like the Reese's Peanut Butter Cup with the Faces, do you think that sheds light on an important issue, or does it trivialize the problems embedded in false advertising?

BP: Well, I think if we wanted to find a positive with those cases, it would be that the reporting on them educates consumers to be more savvy and think about these issues more broadly and generally. But I think the particulars of a lot of these cases are not going to beneficially impact consumers, because most cases either settle, with the attorneys making out very well and the defendant getting a settlement agreement that generally benefits them.

AP: Like a non-disclosure agreement and a promise to never sue over that claim again. Do you recall any false advertising cases that did make good change or impacted the way labels are put in the store?

BP: Well, yes, I think there is a case that the FTC brought against POM Wonderful and their pomegranate juice and some of the health claims that they were making, that they didn't have competent, reliable scientific evidence to make such claims.

AP: In 2015, the POM Wonderful case went to the D.C. Circuit Court of Appeals. Siding with the FTC. Spencer Sheehan, despite his prolific body of work, he has a Sisyphean outlook on the whole thing. But I'm curious like over the course of your career, are there cases that you think changed the landscape in the false advertising space?

SS: Yeah, I wish I could tell you, yes, I do. I wish I could because then it would give some validity to what I do or some of the things that I do. But I can say that to the extent any of my cases have any benefit or have benefit, it is the cumulative impact of, to the extent that they raise a level of awareness and knowledge of the general public, because it is like I said, you're not going to, unfortunately, change the landscape.

AP: Turns out, Spencer is a pretty big fan of Upton Sinclair's *The Jungle*, published in 1906. The novel depicts an immigrant family working in the Chicago meatpacking industry, where bodies disappeared into lard and the kids all drank milk watered down with formaldehyde. The books shocked the public so much the FDA was established the same year it was published.

SS: You know, a common refrain in my cases and something that I write repeatedly about in sort of trying to frame where it is I'm coming from, and I will often have a section about it'll start out with sort of, let's say, consumer aversion to additives and next section will be this concern is not a new one, I said in the

early 20th century, based on the reports of muckraking journalists, consumers were similarly alarmed by the dangers of what they were consuming. When Upton Sinclair wrote, there wasn't you know, heck, there wasn't even a regulatory apparatus really in place and because of the important work he did, and others too, in getting legislation passed, resulted in laws about these things and as we go forward into the 20th century, we don't just have laws on the books about what and how food can be labeled, but also improved ways for consumers to assert those rights, because it's one thing to have rights and it's another thing if you're unable to enforce those rights, because if you can't enforce them, then they're really fictitious.

AP: I was going to ask if you think there has been great improvements from that age to today, if we're still seeing people need to sue to prove that there's vanilla in vanilla products or to get accurate labels for additives.

SS: You know one of the things before there was regulations, before there were regulations about these types of things, the main concern was that people would die from, let's say, foods that were toxic, or maybe meat that wasn't properly processed or repaired and we still have, as you know, as I'm sure you're aware, instances of food poisoning, although that is mostly that's far less common. You see it every so often with the E. coli outbreak of some spinach from the Central Valley of California maybe got contaminated, or maybe some apples. Most of the stuff that we see today and that we experience that, yes, replaces vanilla with, you know, non-vanilla and synthetic substitutes. These are things that, whereas in the past companies would add potentially harmful ingredients that could be dangerous to people, now they do so in the legal way, through our regulatory state.

AP: Toward the end of *The Jungle*, Upton Sinclair talks about the proliferation of products made to generate the illusion of competition and consumer choice when the main thing created is waste. These cheap goods, these ground-cork life preservers, these potato-flower sausages. They don't benefit consumers, but they do benefit manufacturers and they ultimately end up supporting a quote whole machinery of the civil law made necessary by these processes, the libraries of ponderous tomes, the ports and juries to interpret them, the lawyers studying to circumvent them, the petty fogging and chicanery, the hatred in lies. His words, not mine.

KM: What was it that dating app guy said? It's a game of cheetahs and zebras.

AP: Right? We know more today about how to be healthy than ever before.

KM: So, consumers are better equipped to fight false ads today. That's what you're saying.

AP: While advertisers know more about what buzzwords and images they need to make you hungry. We didn't have time to get into neural marketing, but the science behind advertising has never been better.

KM: At the end of the day, it falls on people to know who they're connecting with, what they're eating and whether the box is half full.

AP: You can say it falls on the individual, but at some point, when thousands of people run into the same billion-dollar problems and fall for the same lies, you have to wonder is it me or is it something bigger?

KM: Okay, I have heard everything you have said. You make some very convincing points, but I'm still going to go get my box of half full chocolates.

AP: Yes, life is a box of chocolates. Cockroach clusters are real, and you never know which one you're going to get.

KM: I'm feeling a lot less festive but strangely more aware of advertisers. They're everywhere. Thank you, Amanda, for your reporting and thank you for listening. If you'd like this episode and wanted to leave us a review, be sure to drop one over on Apple Podcasts. Let us know how we're doing. Check out [courthousenews.com](http://courthousenews.com) for more stories from Amanda, myself and all of our amazing reporters. And, lastly, follow us on social media so you never miss breaking news or just a wild story coming out of the legal world. Next time on Sidebar, can you sue somebody for being mean to you online? What if it's a joke? What if it's funny? What if it's not funny? A long running feud between two eviction lawyers, cumulated into a Twitter parody account and a libel lawsuit that made it all the way to a jury trial. We'll take the temperature of defamation law in the 21st century. Happy Valentine's Day, see ya.

(Outro music)