
CAPSULE DESCRIPTIONS OF CITED CASES

Since the cases cited in this article can typically be found only in a law library or through paid archive services, brief descriptions of the relevant facts are given below for each case.

Baskin v. Hawley, 807 F.2d 1120 (2d Cir. 1986). A suit for loss of union pension benefits. Among other actions, the defendants were alleged to have concealed and misrepresented certain facts that prevented the plaintiff from securing his pension. The court held that the union's disclosure of certain facts to the plaintiff (while withholding other unfavorable information) created a duty to disclose all relevant information to the plaintiff.

Brass v. American Film Technologies, 987 F.2d 142 (2d Cir. 1993). A suit for fraud based on the defendant's sale of certain stock that could not immediately be resold. The defendants did not disclose this restriction and the court found the concealed information was not readily available despite such information being listed in publicly available SEC filings. The court found that the defendant's "vastly superior" knowledge of its securities created a duty to disclose the information during its lengthy solicitation of the plaintiffs, even though there was no fiduciary relationship between them.

Feltman v. Sarbov, 366 A.2d 137 (D.C. App. 1976). A suit for fraud based on failure to disclose certain facts relevant to the plaintiff's lease of a parking lot. The court held that the defendants' failure to disclose their intent to build on a lot, after defendants' attorney made statements to the contrary, and the plaintiff's reliance on such concealed facts, created liability for fraud.

FTC v. Colgate-Palmolive Co., 380 U.S. 374 (1964). FTC enforcement action for false advertising. The FTC had issued a cease-and-desist order against the defendant based on deceptive television commercials for its shaving products, which the defendants appealed to a federal court of appeals. The Supreme Court held that the order was well within the FTC's authority. (This case can be accessed online at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=380&invol=374>.)

Manning International v. Home Shopping Network, 152 F. Supp. 2d 432 (S.D.N.Y. 2001). Suit for unfair competition based on the defendant's sale of opal simulants as "synthetic opals." The defendants moved to dismiss, but the court held that the advertising at issue violated the FTC Guides, which provided a basis for the plaintiffs to proceed with a suit under the Lanham Act (the federal statutes governing trademark and unfair competition).

Sanfield v. Finlay Fine Jewelry, 168 F.3d 967 (7th Cir. 1999). Suit about unfair competition based on defendant's deceptive advertising practice of holding perpetual "50 percent off" sales. The Seventh Circuit held that such sales violated FTC rules (e.g., 16 C.F.R. § 233.1), and that the plaintiff could rely on the FTC rules as a basis to support its claim under the Lanham Act. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=7th&navby=case&no=981873>.)