

# April Fools: WHEN PRANKS BECOME LEGAL, NOT LAUGHING, MATTERS

WRITTEN BY JOHN G. BROWNING

**CHANCES ARE YOU'RE READING THIS** on or shortly after April Fools' Day. If that's the case, I hope you survived any pranks that came your way and perhaps pulled off an innocent jest or two of your own. But most of all, I hope no lawsuits result—because it's all fun and games until somebody calls the lawyers.

I'm not just talking about the joy buzzer or whoopee cushion type of prank, either. The bigger the "joke," the bigger the lawsuit. Just ask the folks at

Volkswagen. On March 29, 2021, the auto giant published a news release announcing the company's impending name change to "Voltswagen" as a reflection of its planned investment in electric vehicles. Volkswagen followed up with a confirming tweet the next day as news sites reported about the "rebranding." But then Volkswagen announced that the name change was an early April Fools' joke, and a media firestorm ensued. Among other media outlets, *Bloomberg*, in an opinion piece, accused the car giant of going "too far" and suggested the company should "leave the jokes to people who are actually funny." Stock prices, which had gone up amid the buzz surrounding the name change stunt, fell—and a number of VW shareholders filed a derivative lawsuit, saying the prank resulted in a drop in the company's share price. To make matters even worse, the U.S. Securities and Exchange Commission initiated an investigation to determine if Volkswagen had violated the law with its phony name change. Volkswagen CEO Scott Keogh apologized for the prank and took full responsibility.

Contests that promise—but fail to deliver—big prizes also seem like a fast track to the courthouse. In 2001, an April Fools' joke at a Florida Hooters restaurant backfired. After announcing to its waitstaff that, as part of a special promotion, the employee who sold the most beer would win a new Toyota, the restaurant manager presented winner Jodee Berry not with a car, but with a "toy Yoda." That's right—a little plastic figure of the legendary diminutive Jedi master from the Star Wars trilogy. Berry quit in disgust and filed a lawsuit against

the company for breach of contract and fraudulent misrepresentation, which ultimately settled out of court. While the amount was confidential, I'm pretty sure Berry could afford any car she wanted.

Not learning from this mistake, in 2005, California radio station KBDS-FM announced that it would be giving away a Hummer to one lucky listener. Shannon Castillo was so enthusiastic about being announced as the contest winner that she hired a babysitter and made special arrangements to collect what she expected would be a \$60,000 motor vehicle. But when the station's DJs presented her with a toy replica instead—and posted video of the entire prank on their website—Castillo went to a real lawyer and filed a real lawsuit.

Sometimes, April Fools' pranks can have far-reaching consequences. When some work colleagues of Glenn Howlett, London, Ontario's community services manager, played a trick on him during his vacation by falsely telling him that the deadline for a major project had been moved up, Howlett immediately cut short his vacation and returned to his city hall office. But he was so stressed out by the "emergency" that he collapsed after suffering heart palpitations and had to be hospitalized. While recovering, Howlett decided life at city hall wasn't worth it; he took early retirement and then sued his former employer. The city now has a new bylaw, specifically prohibiting practical jokes at work.

I appreciate a good practical joke as much as the next person, but at the risk of sounding like a killjoy, remember—before you launch that prank or play that trick—that such attempts at humor may not only fail, they can also lead to legal trouble. **TBJ**

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