

## **Lawsuit a Shoe-in**

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When I was in 7<sup>th</sup> grade, I got my first pair of Air Jordan shoes. Michael Jordan was my hero. Every square inch of wall in my room was covered with his pictures. I wore Air Jordan shirts and shorts. I wore a wristband on my left forearm. I wore short socks. I even tried sticking out my tongue like Mike while playing hoops. I bit it, however, and it was the first of many reminders that no matter how I dressed like him, I was no Michael Jordan.

The first Jordan poster I put up featured him in the process of dunking a basketball on a playground, with his arms and legs spread wide in midair. The image went on to become the iconic logo of the Air Jordan brand. I remember lacing up my Jordans and trying to replicate the pose in my driveway. It was then I realized that no matter how awesome my shoes were, the only dunking I would be doing would involve milk and Oreos.

I knew that even though I loved Michael Jordan and his shoes, I had a better shot of being a piper piping than a lord a-leaping. While Nike would not try to dispel the notion that I would become a jumper if I wore Jordans, they never actually said the shoes would increase my vertical leap. Not all shoe companies are so subtle, however.

The Federal Trade Commission just reached a \$40 million settlement with Skechers, the manufacturer of sneakers for women. The FTC pursued the settlement after investigating charges that the footwear company made unfounded claims that their Shape-ups shoes could make a wearer's body look like Kim Kardashian's or Brooke Burke's, the celebrities who endorse the shoes.

Skechers, out of Manhattan Beach, Calif., produced ads for the Shape-ups that claimed wearing them helped people lose weight and strengthen their butt, leg and stomach muscles. The settlement also involves Resistance Runner, Toners, and Tone-ups, which are other styles made by Skechers. Consumers who bought any of these shoes will be eligible for refunds.

In their ads, Skechers claimed the Shape-ups' curved "rocker" or rolling bottom provides natural instability which causes the consumer to "use more energy with every step." The \$100 shoes' instability also promotes weight loss and tones muscles.

The FTC's investigation revealed that Resistance Runner ads indicated that clinical tests showed people who wore them could increase "muscle activation" by up to 85 percent for posture-related muscles and 71 percent for one of the muscles in the buttocks. However, the FTC determined that Skechers falsely represented the results of these clinical studies, which the company claimed backed their representations about their toning shoes. The settlement precludes Skechers from misrepresenting any tests, studies or research on its shoes in the future.

The FTC's settlement also incorporates a multi-state investigation led by the attorneys general from Tennessee and Ohio and involves more than 40 states. In addition to the \$40 million paid to the federal government for customer refunds, Skechers also agreed to contribute \$5 million to the states.

Last year, the FTC reached a similar settlement with Reebok over unsubstantiated claims the company made about its EasyTone walking shoes and RunTone running shoes. Reebok agreed to pay \$25 million to the federal government to provide for customer refunds.

Skechers is disputing the allegations and is pursuing additional clinical studies.

Maybe I should try Skechers to help me jump higher. After all, I've worn Air Jordans for 25 years and my butt does resemble Kim Kardashian's.