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# Surprise! You Just Starred In Our Movie

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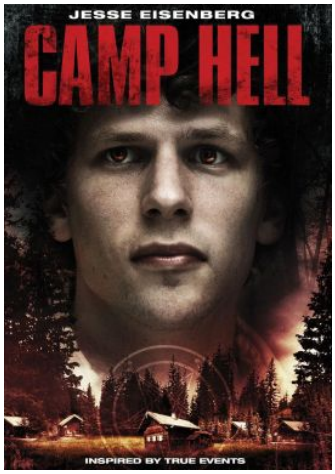
One of my all-time favorite comedies is the movie *Bowfinger*, in which a down-and-out movie producer named Bobby Bowfinger (played by Steve Martin) makes a movie starring a well-known A-list actor named Kit Ramsey (played by Eddie Murphy) without Ramsey's knowing participation. Some of the best scenes in the movie occur when Bowfinger and his "crew" create situations around the increasingly-unhinged Ramsey, secretly filming his hilarious reactions to the ridiculous set-ups. Apparently, life has (sort of) imitated art: **in a recently-filed $3 million lawsuit, actor Jesse Eisenberg (star of *The Social Network* and *Zombieland*) claims that he was exploited in a similar manner by the producers of the direct-to-DVD movie, *Camp Hell*.**

According to the lawsuit, in 2007 Eisenberg agreed to appear in *Camp Hell* as a favor to his friends. He was on set for only one day of filming, and logged only a few minutes of total screen time. Because he was only minimally involved in the movie, he was surprised to see that his face was prominently featured on the cover of the DVD, implying that he starred in the film. His lawsuit asserts various California law causes of action, including claims for unfair business practices and publicity rights. But, according to Hollywood law blogger Eriq Gardner, the lawsuit reads more like "a consumer class action, saying that the producers are 'continuing to perpetrate a fraud on the public.'"




Overselling a famous actor's involvement in a film is a common practice in the industry, although the *Camp Hell* example may be one of the worst offenders. But, while there are agreements and rules among various creative unions in Hollywood relating to attribution and credit, there apparently aren't any that specifically state the number of minutes of screen time that are necessary in a movie before an actor can be marketed as a film's "star."

Fortunately, the franchising world has more explicit rules regarding how a franchise can be marketed and sold to potential franchisees. Generally, the **FTC Franchise Rule** and a number of state laws require a franchise company to provide to a prospect certain types of disclosures regarding the business being marketed. Through a legally compliant Franchise Disclosure Document, a possible franchise buyer will obtain a great deal of information about the franchise being sold, which information should support the marketing claims the franchisor makes generally. Further, **several states have specific restrictions** on the types of statements that franchisors can make in advertising pieces, which restrictions are further designed to protect against misinformation to franchise buyers. These laws work together to attempt to ensure that members of the public are not lured into buying a franchise based on puffery or overblown claims of success.

It will be interesting to see how the Court handles Mr. Eisenberg's lawsuit. I wonder if the movie industry will, in the face of the *Camp Hell* situation, consider adopting more stringent rules about marketing actors?

I would love to hear from you -- have you ever watched a movie based on the claim that a movie was "starring" a certain actor, only to find out that the actor's involvement was minimal?

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