

## MLB Sporting Co. Hit With Baseball Bat False-Ad Suit

By **Rick Archer**

Law360 (October 25, 2018, 8:52 PM EDT) -- Major League Baseball co-owned Rawlings Sporting Goods Co. Inc. is facing a punitive consumer class action in California federal court alleging the company is selling children's baseball bats that are heavier than their advertising and packaging claim.

In a complaint filed Thursday, Richard Sotelo claimed Missouri-based Rawlings is routinely selling children's baseball bats that are 2 to 3 ounces heavier than their advertised weight, a difference he said is significant enough to render the bats unusable and potentially unsafe.

"If, unbeknownst to the purchaser, a bat is not the weight at which it is represented, it can negatively affect performance. It can even cause injury to the user and other players," he said.

Sotelo claimed in November 2017 he purchased a 2018 Rawlings Youth 5150 USA-model baseball bat for his 8-year-old son, saying he thought the bat's advertised 1-pound weight would allow his son better swing control.

However, he said his son's control did not improve, leading him to check the weight of the bat and discover it was actually 18.6 ounces, 2.6 ounces heavier than a pound.

"Because the 5150 bat is significantly heavier than as labeled, plaintiff's son cannot use, and is not using, the bat for training or play," he said.

He said both the company's Amazon pages and its webpage contained multiple customer reviews claiming various Rawlings bats were between 2 and 3 ounces over the advertised weight.

Sotelo said Rawlings' website recommends lighter bats for inexperienced players and says the weight of a bat can "dramatically" influence swing speed.

"The fact that the Rawlings bats come in various sizes that are only 1 inch and only 1 ounce apart demonstrates that even a single ounce difference is material to a purchase decision," he said.

An overly heavy bat puts the user at a risk of muscle and ligament strain and can be a hazard to other players and bystanders, he said.

Sotelo argued the incorrect labeling constitutes unfair and deceptive business practices and breach of warranty, saying he would not have purchased the bat if he knew their actual weight.

"The complaint alleges that Rawlings took advantage of the hopes and dreams of children by falsely advertising and selling a bat that was much heavier than promised," David Shoop, one of the counsel for Sotelo, said in an email statement Thursday. "There is so much pressure on children these days to perform in sports, and Rawlings knows and profits from this pressure. This is fundamentally wrong."

Representatives of Rawlings did not immediately respond to requests for comment late Thursday.

Rawlings was **purchased** in June for \$395 million by private equity firm Seidler Equity Partners and MLB.

Sotelo is represented by David R. Shoop and Thomas S. Alch of Shoop PC, Janine Pollack and Adam Gonnelli of The Sultzer Law Group PC, Lee S. Shalov and Jason S. Giaimo of McLaughlin & Stern LLP and C. Mario Jaramillo of Access Lawyers Group.

Counsel information for Rawlings was not immediately available Thursday.

The case is Richard Sotelo v. Rawlings Sporting Goods Co., case number 2:18-cv-09166 in the United States District Court for the Central District of California.

--Editing by Michael Watanabe.