

Advertising Lessons from the World of Pickleball

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I'll start by admitting that I don't know anything about the game of pickleball. Using the word "basketball" as an example and working backwards by breaking the word "pickleball" into its component parts, I can make an educated guess about what implements are used in the game. But maybe I'd be wrong. That's why it may make sense to consult experts.

One such group of experts are the people at USA Pickleball (or "USAP"), an organization whose mission it is to "promote the development and growth of pickleball in the United States and its territories." USAP also certifies some of the paddles that, much to my surprise, are used to play the game. So much for my etymological guesswork.

In 2023, Joola submitted various paddles to USAP for approval, and USAP approved them. Joola then produced tens of thousands of paddles stamped with the words "Approved by USAP." Due to an "administrative error," though, those weren't the same paddles that USAP had approved. A few days before the unapproved paddles were supposed to go on sale, USAP notified Joola that the paddles did not comply with USAP regulations. Joola sold them anyway.

The consequences of using an unapproved paddle in a pickleball game aren't clear to me, but a Florida man who purchased two of those paddles was pretty angry about it and filed a lawsuit against Joola. (USAP claims that pickleball is America's fastest-growing sport, but I'm not sure if they're factoring the sport of filing lawsuits into that analysis.) The lawsuit claims that Joola had engaged in a "deceptive and fraudulent scheme," which violated Florida's false advertising laws, among other things.

Last month, a court denied Joola's motion to dismiss the false advertising claim, noting that the Florida man had properly pled that Joola had engaged in a deceptive act. "Certainly," the court explained, "improperly labeling a product as certified by USAP causes a consumer who wants to purchase a USAP certified paddle to purchase a paddle they otherwise would not have purchased." Other claims were dismissed, but the core of the case will move forward.

We don't know what happened behind the scenes, but it's possible that Joola found itself in a pickle here. What would you do if your company had inadvertently manufactured tens of thousands of products with a claim that wasn't accurate? Not selling those products has a cost but, as this case demonstrates, so does selling those products. We've had some clients try to cover up the problematic claims to reduce risk, but that's not always possible.

What can you learn from this case? First, you can't judge a book by its cover (or a game by its name, if you will). But equally important is that you need to carefully manage your claims and certifications and make sure you're using them accurately in your marketing. Outside the world of pickleball, we're seeing this issue come up frequently in the world of green claims, particularly when companies

market products that haven't been certified in the same space they market products that are certified.

This image had to be generated by AI because, apparently, these are not the implements used in pickleball. Now you know.

Update: The case settled on August 19, 2025. As part of the settlement, Joola agreed to pay out up to \$300 to each class member.