

Ana De Armas Fans Move Forward on False Advertising Suit

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The 2019 movie *Yesterday* is about a world without the Beatles. The 2022 lawsuit over *Yesterday* is about a movie without Ana de Armas. Two fans who each paid \$3.99 to rent the movie based on seeing the actress in the [trailer](#) decided to sue Universal after seeing that she had been removed from the final cut of the film.

(Why she had to go? I don't know, she wouldn't say. But Richard Curtis explains it [here](#).)

Is that really something worth filing a lawsuit over? Yes, say the plaintiffs. According to the complaint: "Because consumers were promised a movie with Ana De Armas by the trailer for *Yesterday*, but did not receive a movie with any appearance of Ana de Armas at all, such consumers were not provided with any value for their rental or purchase."

That's harsh. The 64% fresh rating on [Rotten Tomatoes](#) suggests that surely there is *some* value to be had in watching the movie, but no matter. These plaintiffs wanted to see Ana de Armas in the movie, they didn't, and now they want to see Universal pay them and their fellow fans \$5 million for getting their hopes up and then letting them down.

Universal argued that, as a creative work, a trailer is entitled to broad First Amendment protection. A California federal court found, however, that creativity doesn't outweigh the commercial nature of a trailer. "At its core, a trailer is an advertisement designed to sell a movie by providing consumers with a preview of the movie." Accordingly, the trailer is subject to false advertising laws.

The court dismissed Universal's concerns that ruling against them could open the floodgates to similar suits from other plaintiffs over their subjective expectations. The court noted that false advertising laws apply only when a "significant portion" of "reasonable consumers" could be misled and that its holding "is limited to representations as to whether an actress or scene is in the movie, and nothing else."

Despite the unusual facts and the narrow holding, this case holds some broader lessons. Advertisers need to be careful to ensure their ads don't set unrealistic expectations about how a product or service will perform or what's included. And consumers need to check [IMDB](#) before renting a movie if their sole reason for doing so hinges on the appearance of one person.