

Breaking Bad Class Action: Is Apple Really Breaking Promises?

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The onslaught of consumer class actions against advertisers continues with Apple's marketing of certain "Season Passes" on iTunes being challenged. Noam Lazebnik, an Ohio physician, filed a [complaint](#) on behalf of consumers who purchased an iTunes Season Pass last year for Season 5 of the AMC series, Breaking Bad. According to the plaintiff, Apple marketed the Season Pass as "includ[ing] all current and future episodes of Breaking Bad Season 5." However, AMC, in what seems like an unusual move, has considered Breaking Bad Season 5 a two-year affair. Eight episodes aired last year, and eight more are airing now. According to the plaintiff, for this year's episodes, Apple is charging consumers for a new Season Pass. The plaintiff alleges that Apple is engaging in "deceptive and unfair sales practices," and he is seeking full refunds for consumers.

Apple is yet to provide its side of the story, and a judge even certifying a class is certainly not guaranteed. The complaint and the plaintiff's allegations, nevertheless, serve as a reminder that in drafting marketing and advertising language, context is king and can occasionally trip up boilerplate terms.