

# Court Refuses to Dismiss Lawsuit Over Kanye's Tweet

Gonzalo E. Mon

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Although we normally try to stay away from celebrity gossip, we can't ignore the latest controversy over Kanye West's tweet. No, not that one – the other one.

In 2016, Kanye announced that he would release his album, *The Life of Pablo*, exclusively on Tidal. He tweeted: "My album will never never never be on Apple. And it will never be for sale... You can only get it on Tidal." (That's four "nevers" in 107 characters, if you're counting.) Fans took that seriously, and rushed to sign up. In just over a month, Tidal's subscriber base tripled, potentially saving the service from collapse.



Six weeks after Kanye promised the album would never (x4) be available anywhere else, he released it on other services, including Apple Music. Many fans became angry that they'd signed up for Tidal based on Kanye's promise, and one of them filed a lawsuit. The complaint alleged that the representations of exclusivity in the tweet constituted false advertising and asked the court to grant damages, disgorgement of profits, and restitution.

Last week, a New York court ruled on a motion to dismiss filed by Kanye's legal team. Although the court dismissed some of the claims, it kept the allegations about the tweet alive. "Regardless of whether or not Mr. West's argument will persuade a jury at a later stage in the case, the court has little difficulty concluding that the complaint plausibly pleads that Mr. West's statement that his album would never never never be available on Apple Music or for sale was false."

It's too early to tell how this case will turn out, but the case raises at least two important points. The first is that claims made in social media are still subject to advertising laws. Even something as seemingly innocent as a short tweet can lead to liability, if what you say isn't accurate. The second is that you should be careful about far-reaching promises. Many companies want to advertise that things will always be a certain way. Think carefully about making these promises because some consumers will take you at your word. If the market changes and you want to go back on your promises, those consumers may not be forgiving.