

The Sharks Are After Everyone! By Gil Van Over

When meeting with a dealer or a group of dealers I am invariably asked why our industry is being picked on by the plaintiff's bar that I usually refer to as the sharks.

The evidence is out there. Pick up *Automotive News* or any of the other trade publications and invariably a dealer in North Carolina or Oregon or points in between has run afoul of a class action lawsuit or a DMV investigation or an Attorney General publicity stunt.

Why, oh why are you picking on us?

Just take a step back, as I have the last few weeks or so and survey the landscape. The lawyers and the regulators are after everyone! Not just car dealers. We are so sensitive to the attacks on car dealers because this is the air that we breathe. This is the life we chose to live. We feel the pain every time we hear about the FBI executing a search warrant at a dealership.

In my survey, it appears that some other industries have taken some preventive measures to avoid or mitigate litigation. It appears the other industries have their own set of attorneys that provide all kinds of disclosure language on their products or brochures.

For example...

I stopped by Taco Bell the other day. As part of my New Year's resolution to eat a little healthier (no sour cream, I promise), my eyes fixated on a brochure hanging from a rack on the wall. The brochure was screaming that "the Bell" has 15 items under 10 grams of fat, if one substitutes Fiesta Salsa for cheese and sauce.

Sounds like a winner to me, I prefer the salsa to the cheese anyway.

But hidden at the bottom of the second page, in a font size normally reserved for the disclosures carpet dealers flash in their television commercials, were four, count them, four disclosures written by the folks that spent at least seven years to earn a diploma to take a test to practice law.

Disclosure 1. "Fresco Style" reduces fat by 25% for most menu items compared to the original menu item.

Disclosure 2. Excludes red sauce and pizza sauce.

Disclosure 3. All-white-meat Chicken available in U.S. only. Nutritional values will vary accordingly.

Disclosure 4. Claims in this brochure apply only to TACO BELL products and may not apply to other products sold in the same location.

Honest. I'm not making this up.

This caused me to start looking around. Through observation, I learned that you shouldn't smoke near gas fumes while putting gas in your car.

I learned that McDonald's coffee is extremely hot.

I learned that a paper-folding machine works best if you:

- Read your owner's manual
- Clean the rollers and feed tire
- Don't overtighten the retarder
- Don't run the machine without paper and
- Don't stick your fingers in the feeder while it is running

I learned that the bottled water I drink has 0 mg of Sodium on the federal label, but in smaller print, the ingredients are purified water, magnesium sulfate, potassium chloride and salt*.

*Adds a negligible amount of sodium.

For consumer information about my bottled water, I am invited to call 1-800-788-5047.

Finally, this disclosure on the back of my Bengals' playoff ticket: "A Bengals' victory is not guaranteed if an offensive lineman crashes into Carson Palmer's left knee."

Well, not really, just sour grapes.

Other than proving to you that I spend too much time with minutiae, hopefully this little exercise shows that companies in other industries are putting processes and disclosures in place to help them to lessen the likelihood that they will become shark bait.

A concerted effort on all our parts to standardize our operating procedures and processes so that our transactions are transparent, that the customer fully realizes what he or she purchased and how much each item cost, will eventually dry up the shark bait and send them circling around other industries.

Good luck and good selling.

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