

10-1-1992

Video Software Dealers Ass'n v. Webster, 968 F.2d 684 (8th Cir. 1992)

Follow this and additional works at: <http://repository.law.miami.edu/umeslr>

Recommended Citation

Video Software Dealers Ass'n v. Webster, 968 F.2d 684 (8th Cir. 1992), 9 U. Miami Ent. & Sports L. Rev. 358 (1992)
Available at: <http://repository.law.miami.edu/umeslr/vol9/iss2/15>

This Case Summary is brought to you for free and open access by Institutional Repository. It has been accepted for inclusion in University of Miami Entertainment & Sports Law Review by an authorized administrator of Institutional Repository. For more information, please contact library@law.miami.edu.

games has the same effect and is unjustifiable as well.

-J.M.K.

**VIDEO SOFTWARE DEALERS ASS'N V. WEBSTER, 968 F.2D 684 (8TH
CIR. 1992).**

A Missouri statute prohibited the rental or sale to minors of videos depicting violence and required dealers to display or maintain such videos in separate areas of their stores. Three groups, associations whose members rent or sell videos, an association of film producers and distributors, and owners and operators of video retail stores brought preenforcement class challenges to the constitutionality of the statute.

The Eighth Circuit Court of Appeals affirmed the district court's determination that the statute was unconstitutional. The court determined that the statute was not narrowly tailored to promote a compelling state interest because it did not articulate the type of violence it deemed harmful to minors. The statute did not "refer to slasher videos or define the term 'slasher,'" therefore covering all types of violence. This was held to be too burdensome on protected expression. The court also found the statute unconstitutionally vague. Because there was no definition of "violence," people of common intelligence would not be able to determine the meaning of the statute. Finally, the court held that the statute unconstitutionally imposed strict liability because it was "quasi-criminal" in nature, and violated the First Amendment because video dealers would be reluctant to rent the videos, thereby restricting the public's access to constitutionally protected videos.

-M.D.B.

**KRAFT, INC. V. FEDERAL TRADE COMMISSION, 970 F.2D 311 (7TH
CIR. 1992).**

The Federal Trade Commission (FTC) found that Kraft, Inc. had violated the Federal Trade Commission Act by misleading consumers through deceptive advertising. The advertising campaign claimed that Kraft Singles American Pasteurized Cheese Food contained the calcium content of five ounces of milk and was superior in this respect to imitation slices. The FTC ordered Kraft to cease and desist from making the misrepresentations and Kraft filed a petition for review.

The Seventh Circuit Court of Appeals enforced the FTC's order, finding that the advertisements violated the Federal Trade Commission Act. First, the court established that the standard for