



Latest rulings in publishing negligence suits

The latest twist in lawsuits against magazine and book publishers involves claims of "publishing negligence," filed by individuals injured after taking action based on a printed article. Is the publisher liable for injury or financial loss? The big question centers on the status of information and its standing as a "product." Fortunately, the courts are taking a very narrow view of publishers' liabilities, says Richard J. O'Brien, a media law attorney at Chicago's Sidley & Austin. "The courts have come out over and over again, saying that they are not going to treat information the same way they treat a lawn mower, a car or a child's toy. There is a First Amendment gloss over the business of information." One case decided last May by the Texas Court of Appeals overturned a lower court ruling against *Boys' Life*, brought by Jan Way, whose son was killed in a firearms mishap after reading a supplement in the magazine. A second case, upheld by California's Ninth Circuit court on June 23, found for Mitchell Books, Chilton Book Co., Cascade Automotive Resources, Inc., in a suit brought by the owner of a Corvette dealership over alleged errors on automotive emission standards contained in the books. All claims for damages were rejected; the courts held that, absent an express warranty, a publisher has "no duty to investigate the accuracy of the contents of the books it publishes." To help avoid future suits, Lawrence Savell, a products liability litigator at New York's Chadbourne & Parke, advises publishers to consider printing disclaimers in each issue.

K-III releases Hawkes

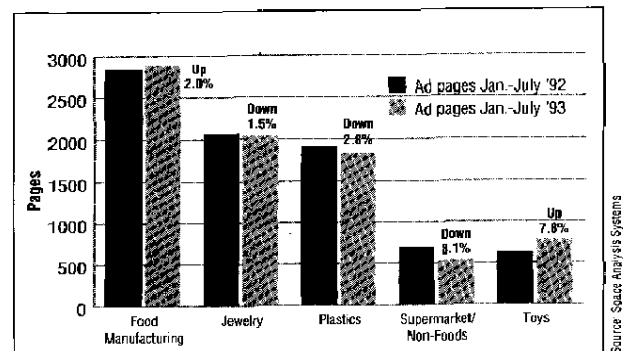
K-III Magazines, which has one of the leanest corporate staffs among major magazine companies, has become even leaner with the departure of executive vice president Richard Hawkes and the disbanding of its international division. Hawkes, who held the same position at Murdoch Magazines before most of the titles were sold to K-III, found a new job quickly, returning to Rupert Murdoch's News Corp. As vice president at News America Publishing, he will help seek out and analyze new business opportunities and special projects. K-III insiders say Hawkes' departure was not acrimonious, but that CEO and president Harry McQuillen felt that most of the day-to-day operations could be handled by himself, other corporate staff, and group publishers such as Terry Russell (*Automobile* and *Premiere*) and Janice Grossman (*Seventeen*, *Soap Opera Digest*, *Soap Opera Weekly*, and head of the group sales function). The three-person international division, which oversaw *Soap Opera Digest's* Italian edition and *Premiere's* British and Japanese editions, was disbanded in early September, and each magazine is now responsible for its own licensing agreements.

America Online links with *Omni* and *Compute*

General Media International has once again joined with America Online, Inc., the Vienna, Virginia-based information firm, to present an interactive version of *Omni* and *Compute*. With interviews, debates and live presentations from editors, the September debut of *Omni* Online enables users to interact through message boards, says William Tynan, GMI's vice president of technology and information services. The *Compute* part includes test reports, buyers' tips, reviews and tutorials. Users pay \$9.95 per month, including five hours of computer

time. GMI first connected *Compute* with America Online two years ago. "Last fall, we decided to take a look at what we were doing because it wasn't profitable. This time we're leading with *Omni*, our title with the larger circulation and broader interest." The service will be promoted through insert cards and a free sign-on disk poly-bagged with the October issue in 50,000 targeted newsstand copies. On-screen advertisements will make their debut in December or January, Tynan adds. GMI has often considered presenting its magazines online, including a relaunch of *Saturday Review* as a computer disk-based magazine in 1991. That effort is still under consideration, according to Catherine Jarrat Koatz, GMI's public relations manager.

Promotions cut into supermarket ad pages



Promotions continue to siphon off advertising dollars in the supermarket/non-foods category as brand-name products battle their generic counterparts, according to David Rothgeb, publisher of New York City-based Fairchild Publications' *Supermarket News*. The category saw an 8.08 percent drop in ad pages, from 620.91 for the first seven months of 1992 to 570.71 in the same period this year. While Procter & Gamble actually increased its trade advertising since last year, most brand-name labels have tried to compete for marketshare through couponing and other purchasing incentives.