

White Lies and Puffery

By Dennis Knight

I was in the eighth grade, and Sister Mary Sarah led us through an interesting discussion of “little white lies”. The boys especially seemed comfortable with the idea of fibs to avoid consequences, such as claiming to be doing homework to avoid taking out the trash, or for gain, claiming to be done with homework to get your dad to take you to Dairy Queen. Some of us could even envision a little white lie that might make the world a better place, such as telling a boy dressed in rags that he looked nice. Sister acknowledged the ethical dilemma, but reminded us that a lie even at its whitest is still a venial sin, and would earn us time in purgatory.

In the battle of the sexes, little white lies are used to advance a relationship, “your smile is lovely, your eyes are gorgeous and your figure is exquisite,” to keep a fellow out of trouble, “no, they don’t make you look fat,” or to get a fellow out of trouble he’s already in, “no, no, I didn’t say broad in the beam...”

I have carried the Catholic school lesson into my seventies and still suffer a guilty pang when I offer a compliment that might not be completely heartfelt or an excuse that might not be completely honest. I won’t likely be found out, but I know the price will be assessed in purgatory.

In the business world, little white lies are called “puffery”, and they are quite acceptable. For instance, I can place an ad claiming my cleaning service will give you the shiniest windows in the world, and I don’t have to prove it. It’s just puffery, and it’s okay with the Federal Trade Commission.

In 2000 Pizza Hut sued Papa John’s Pizza, claiming false advertising for using the slogan, “Better Ingredients, Better Pizza.” Pizza Hut had just finished their own “Totally New Pizza” campaign, declaring war on poor quality pizza, touting the better taste of their own, and daring anyone to find any better.

Papa John’s lost to Pizza Hut in federal court, but the Fifth Circuit Court of Appeals in New Orleans reversed the decision, with an analysis that concluded, “we think that non-actionable ‘puffery’ comes in at least two possible forms: (1) an exaggerated, blustering, and boasting statement upon which no reasonable buyer would be justified in relying; or (2) a general claim of superiority over comparable products that is so vague that it can be understood as nothing more than a mere expression of opinion.”¹

The decision was only one in a long string of similar court rulings, but it justified at once the big jewelry chain’s claim of the finest in diamonds, the greasy spoon’s claim to the most delicious pancakes, and everything that comes out of Dealing Doug’s mouth.

As for me, I don’t know if the Fifth Circuit has any sway in purgatory sentences, but I can hope.

¹[Pizza Hut, Inc. v. Papa John’s International, Inc., 227 F.3d 489 \(2000\)](#)