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## BMW Sued for Not Telling it Put GM Transmissions in '99 Cars

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BMW of North America was hit with a class-action consumer fraud suit late yesterday that says it deceived the public by failing to disclose that three of its 1999 models contain transmissions manufactured by General Motors.

Attorneys Alan L. Frank, Lance S. Rosen and David T. Shulick of Frank & Rosen filed the suit on behalf of Jean Carpenter, a Glenside, Pa., woman who says she was "shocked and dismayed" to discover that the "single largest component" of her brand-new BMW 328ia wasn't even manufactured by BMW.

The suit alleges that "BMW deceived Carpenter, and all other class members, by touting the five-speed automatic transmission in all 1999 323ia, 328ia and 528ia vehicles as a 'BMW' product, when, in fact, it was a General Motors product."

The suit says BMW's brochures and promotional materials were designed to deceive the public by specifically touting its transmissions as superior.

The literature allegedly says that BMW's

1999 models have "BMW" transmissions, that evolve from the "BMW heritage."

As a result, the suit says, BMW "unfairly exploited unwarranted trust in its well known BMW brand name and improperly touted the BMW reputation for quality to sell its 1999 models."

The suit says BMW is a German company whose manufacturing plants are located primarily in Germany and a network of dealers in the United States.

On its Internet Website, at [www.bmwusa.com](http://www.bmwusa.com), the company touts its automatic transmissions as "electronically controlled ... for smooth up and down shifting."

The suit focuses on several key phrases in which it says the company uses the alphanym BMW as an adjective, suggesting to consumers that the car parts thus described are manufactured in a BMW plant.

In a section of the Website that describes the cars' power and performance, the suit says, the following quote appears: "When you step on a BMW accelerator, you feel power immediately because BMW engines and transmissions work very well together."

The company's advertising campaign also

suggests that BMW cars contain only BMW manufactured parts, the suit alleges.

As an example, the suit quotes an ad that said: "Behind every refinement, a purpose; with every advance, the echo of a storied driving heritage."

If that suggestion wasn't strong enough, the suit says, BMW drove the point home with this ad: "Thousands of design elements, each crafted with only one purpose: to create the Ultimate Driving Machine, because in truly brilliant automotive design, everything is interconnected — form and function, design and performance, power and control — at BMW, we settle for nothing less."

The suit says BMW "never disclosed" that the single largest component other than the engine in some of its 1999 models was not even designed or manufactured by BMW, but by General Motors.

The suit cites claims of concealment and misrepresentation; fraud; breach of contract; and violations of state consumer protection laws.

The lawyers say they will be seeking certification on behalf of a national class of BMW buyers whose cars contain GM transmissions and who were never told that fact.