

OCT 25 1973

Magazine Sued Over Fake VW Ad

New York **SFChronicle**

Volkswagen A.G., the West German automobile manufacturer, yesterday brought a \$30 million copyright infringement suit against a humor magazine tsement, depicting a Volkswagen car floating on water with a caption stating: "If (Edward) Kennedy drove a Volkswagen he'd be President today."

The suit was brought against The National Lampoon Encyclopedia of Humor, which was accused in a Manhattan federal court suit of "flagrant misconduct" for publishing a "purported advertisement which is coarse, insensitive and cruel."

A hearing on Volkswagen's application to enjoin further distribution of the publication was scheduled for today.

Volkswagen and its subsidiary, Volkswagen of America, Inc., also asked the court to order the recall of all copies of the issue of the magazine to protect the "reputation and goodwill" of Volkswagen.

In the application, Goetz Grimm, a Volkswagen vice

president, told the court that "most damaging is the imputation that this tasteless publication of a tragic mishap was being published at the instance of plaintiffs to exploit for profit the terrible accident which had occurred."

Senator Kennedy (Dem-Mass.) was the driver of a car that plunged into a tidal pond on Chappaquiddick Island, off Martha's Vineyard, July 19, 1969, resulting in the drowning of a secretary, Mary Jo Kopechne. Kennedy managed to escape from the submerged car and swim to safety.

Reuters

OVER