

Re: Rules of Evidence (S&T January Editorial)

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- *From:* "M104galaxy@xxxxxxxx" <M104galaxy@xxxxxxxx>
 - *Date:* 9 Dec 2006 12:32:27 -0800
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Get a grip!! look at dozens of ads in the current Sky & Tel, all claiming their products are the "best", "ultimate", "color free APO's for \$400", etc , etc.

My favorite is the Televue ad on page 2 which clearly implies that you can see the full Veil nebula in full color no less with the 22mm Nagler—look at the diagram which dominates the full page ad. Look at the Canon ad on page 15—should all the dedicated CCD astro-camera companies sue Canon and Jack Newton? Geez!!

No one is that stupid, right? It is called "puffery" and is not actionable at law in the US.

The only thing potentially very serious I see in this case is Dan Azari's apparent lies to the Court about being misled by the Meade advertising into buying a Meade instead of a RCOS—Azari is a technical employee of RCOS—a small fact he neglected to mention in his Court Petition.

I hope the Court comes down on Azari and RCOS like a ton of bricks. This case smacks of fraud on the Court!

Paul Winalski wrote:

On Sat, 25 Nov 2006 23:31:22 GMT, gobbletwo <gobble-two@xxxxxxxx> wrote:

I just received my issue and was disheartened with the Editorial, as well as the advertisement next to it.

Comments are solicited. ;-)

jon

I would hardly expect S&T to do anything other than support their

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biggest advertiser. But I do think that the editorial raises some good points, which I'll get to later.

My own opinion on the R-C lawsuit is that it's high time Meade and others in the industry got called to task for what IMO are deceptive marketing practices. One of the apologies for Meade in the editorial is that this sort of thing has been going on for years in the eyepiece realm, where we have "Super-Plossl" and the like with 5 or more elements. Well, I've been miffed about that for years.

The 4-element Plossl eyepiece design has over decades built up a well-deserved reputation as an excellent, inexpensive general-purpose eyepiece. If someone comes along later and improves the design by adding another element, I think that's great. But to call it "Super-Plossl", so that you piggyback on the reputation that the real Plossl design has earned, is at best ethically disingenuous and at worst a deliberate attempt to trick consumers into buying something other than what they thought they were buying.

Which brings me to one of the points of the editorial. It points out that the Meade RCX optical design adds a corrector plate that makes the light reflecting off a spherical primary mirror appear at the secondary as if it had reflected off a hyperbolic mirror. This lets you use a much cheaper to manufacture spherical primary, yet still get the wide, flat field of the Ritchey-Chretien design. I agree with the S&T editor that this is precisely the sort of clever innovation that we should encourage.

But don't call the result a Ritchey-Chretien, because it isn't. Again, as in the case with "Super-Plossl", this is poaching on the hard-earned reputation of another design, is at best ethically dodgy, and, as we see from the lawsuit, at worst an actionable tort. Or perhaps even criminal consumer fraud.

I have heard nothing but good things about the performance of Meade's RCX optics. The only issue that I and others have had is with the attempt to market the RCX as something that it isn't.

The merits of the lawsuit are for the court to decide. But if it puts a stop to "Super-Plossl" and all the other deceptive marketing pitches, then it will have served a useful purpose.

-Paul W.

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