

JGL Eye

By Joseph G. Lariosa

D ateline CHICAGO, Illinois (JGLi) – The question -- which comes first, the chicken or the egg -- has defied answer for ages. And so is the question of which newspaper has the biggest circulation among Philippine newspapers and ethnic Filipino publications outside the Philippines

A Filipino-American publication wants to offer its own answer. And it wants a jury to give the clue.

In 2007, the *Philippine Star's* claim to be the No. 1 was based on the thickness of the newspaper and its advertising revenues generated (2.62-billion pesos or US\$54-M from January to November 2007) that topped other dailies, including the *Philippine Daily Inquirer*, which disagreed with the *Star*

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's claims. And since then, it seems any agreement on this matter is nowhere in sight.

The *Asian Journal*, a twice-weekly publication, based in Los Angeles, California, wants to one-up its mainstream counterparts in the Philippines by suggesting that the proof of the circulation is not in the claim of an audited circulation but on the number of trucks that deliver the copies of the newspapers.

* **Editor's Note:** The MabuhayRadio.com came up with a scoop of the suit filed by the Asian Journal Publications against the Balita Media by reporting it on the very day that the case was filed in the Superior Court of Los Angeles. This website also reproduced the complaint in PDF format, which can be accessed in this hyperlink: [Asian Journal Sues Balita Media](#)

Putting its money where its mouth is, the Asian Journal Publications, Inc. coughed up \$350 in filing fee last March 13 to the Superior Court of Los Angeles and accused its competition, Balita Media, Inc. and Verified Audit Circulation, Inc. of false and misleading advertising, unfair competition and fraudulent business acts and tortuous interference with prospective business advantage.

This topic is going to be one of the pieces of conversation by the NPC-Phil. U.S.A. headed by Lourdes Ceballos when it holds a Kapehan (coffee talk) at Fil-Am Delight restaurant on 5750 N.

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California, just off the corner of Lincoln Ave. in Chicago's northside at 10 a.m. on Saturday, April 18. Other topics that will be discussed are the column of Chip Tsao on Hongkong's OFW's and the Right of Reply pending in Philippine Congress.

\$1-Million Damages

The *Asian Journal*, which has several editions in California, Nevada and New York, is demanding an excess of \$1-M in damages in lost income.

Also named in the 10-page complaint filed by Atty. Joel Bander were Anthony Allen, owner, Luchie Mendoza, director, and Does 1 thru 100.

The *Asian Journal* said that it is distributed "in the Los Angeles Basin primarily at Filipino and Asian markets, restaurants, and places where Filipinos and Asians tend to congregate for business and social reasons." It is given away for free "and derives all of its revenues from advertising." Defendant

Balita Media, Inc. publishes the newspapers named "Weekend Balita" and "Midweek Balita," which are cumulatively distributed also twice weekly also in the Los Angeles Basin at no cost and also depends entirely on advertising for its revenues.

Co-defendant Verified Audit Circulation, Inc. provides "circulation auditing services" to both *Asian Journal* and *Balita* and other newspapers and magazines nationwide.

According to the complaint, *Balita* “represented in its advertising materials that they print and distribute more than 80,000 copies.” And its circulation “is audited regularly by Certified Audit” or Verified Audit, which owns the trademark “V Verified Audit.” B

ut the

Asian Journal

believes

Balita

only “prints and distributes about 8,000 to 12,000 copies.”

BOTH NUMBER ONE

The complaint cited an article published in the *Weekend Balita*, claiming that an audit conducted by Verified Audit shows “they deliver more copies than all other competitors,” making it the “number one Filipino-American newspaper in Southern California.”

On the other hand, plaintiff *Asian Journal* claims to publish “35,000 copies per issue of its Los Angeles edition as certified by Verified Audit.”

The Verified Audit describes the *Asian Journal* as “the leading Filipino-American community newspaper in its areas of coverage.” *The Asian Journal*

said all its “representations, promotional materials and advertising to its advertisers, potential advertiser, readership and the community about the number it prints and distributes are true.”

But is “unable to fairly compete in light of ongoing misrepresentations” of *Balita* of its distribution.

The *Asian Journal* believes its agents see only a small fraction of *Balita* copies compared to *Asian Journal* at its distribution outlets. It added that *Balita*

only “owns or leases a single delivery van to distribute its newspapers, while *Asian Journal* owns or leases a minimum of six vans.” The

Asian Journal believes “it is functionally impossible to distribute 80,000 newspapers, or even 29,000 newspapers, with a single van on a single day.”

The *Asian Journal* claims Verified Audit further permits *Balita* to use its name and logo to sell advertising to the public, although it is “unfair, fraudulent, and/or unfair deceptive, false or misleading advertising.”

As a result, the *Asian Journal* “has suffered injury in fact and has lost money as a result of the violations alleged herein in that advertisers are more apt to advertise with defendant than plaintiff.”

The *Asian Journal* has asked the court that *Balita* “be preliminary and permanently enjoined from making or causing their agents from making any non-factual representations regarding the printing and distribution of their newspapers, and to advise their advertisers of their ongoing misrepresentations.” (lariosa_jo_s@sbcglobal.net) # # #

Editor's Note: To read the series on the “Bander-Balitagate” Controversy, please click on the following links:

[There Is Apparently No Truth in Attorney Miller's Claims against the Bander Law Firm](#)

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