

Actress Sued in Weight Loss Twitter Twist

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(FOX 11/ CNS) - A weight-loss company countersued Oscar-winning actress Octavia Spencer, alleging she failed to abide by her agreement regarding Twitter promotions of the firm and also refused to allow the use of photographs in ads of her before and after her weight loss.

Sensa Products Inc. filed the breach-of-contract action Thursday in Los Angeles Superior Court, seeking more than \$110,000.

Spencer, 43, and her company, Orit Entertainment Inc., began the litigation by suing Sensa last Aug. 28.

Judge Michael Stern recently dismissed Spencer's claim for fraud, but said she could move forward with her claim for breach of the covenant of good faith and fair dealing.

Her suit also seeks an accounting of Sensa products. Her attorney, Bryan Freedman, released a statement today in reaction to the countersuit, saying it was "full of outright lies and fictitious story telling."

"The evidence is entirely clear here and Sensa will be crushed in court should this garbage be presented to a jury," Freedman said. "This will be fun."

According to Spencer's lawsuit, she passed on a \$3 million offer from another firm to sign a \$1.25 million deal with Sensa, because the company agreed to conditions including an ad campaign that focused on a healthier lifestyle rather than her weight loss and the use of before-and-after photos.

The actress alleges that after she lived up to her end of the bargain and lost 20 pounds, Sensa began trying to find ways to avoid paying her and terminated the contract last August.

But according to the countersuit, Spencer and Sensa agreed on the terms of the actress' endorsement deal in August 2012. After Spencer allegedly breached deadlines in January 2013, the agreement was amended to allow Sensa to ask Spencer's approval for use of the before-and-after photos and to mention in ads that she lost 20 pounds, the countersuit states.

"Before-and-after photos are important to the success of marketing campaigns for weight loss companies and this particular provision was a critical concession by the plaintiffs to keep Sensa Products from leaving the relationship," according to the Sensa attorneys' prior court papers. Spencer also was obligated under the agreement to make at least two Twitter posts a month concerning Sensa products and to obtain prior approval of their content before they were released, the countersuit states.

However, Spencer did allow Sensa to screen her tweets in April, May and June, 2013, and did not send out any tweets the next month, the countersuit states.

Spencer also refused to allow the company to make references in its ads to "The Help," the suit states.

Sensa's payroll service, Falcon Paymasters, paid the actress nearly \$96,000 last July even though she was allegedly in breach of the contract at the time, according to the countersuit. Falcon later sued Sensa in U.S.

District Court, alleging the weight loss company did not reimburse Falcon for the money paid to Spencer, the countersuit states.

The countersuit seeks compensation from Spencer in the event the company is found liable to reimburse Falcon Paymasters for the funds given the actress.

Spencer won her best supporting actress Oscar for her work in the 2011 movie "The Help."

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