



Written by [R. Cort Kirkwood](#) on December 26, 2024

Texas Sues NCAA for Misleading Fans on “Women’s Sports” in Which Men Compete

Texas has sued the NCAA for selling women’s sports as “women only” despite the outfit’s woke rules that permit men who call themselves “transgender women” to play with the ladies.

The [lawsuit accuses](#) the NCAA of robbing consumers with “false, deceptive, and misleading practices by advertising and selling goods and services.”

Led by Texas Attorney General Ken Paxton, the state asks a district court to give the NCAA two choices. It can either ban men from competing in collegiate athletics in Texas, or stop advertising women’s sports as “women’s” sports.



AP Images

<https://twitter.com/KenPaxtonTX/status/1870908180949238245>

The Charges

The five-count, 57-page lawsuit explains that a “woman” is an “adult human female.” It further notes that the definition of “sex is ubiquitous and has been the same throughout human history.” And indeed, that is how the organization understood “woman” from 1906 until 2019.

Plus, permitting men to compete against women “is inherently unfair and unsafe” due to their obvious physical advantages. When officials permit men to invade women’s sports, they deprive women of “titles, records, medals, scholarships, and opportunities to win.”

And, importantly:

Consumers do not purchase goods and services associated with women’s sporting events to watch men steal medals and records from female participants. When consumers have purchased goods and services associated with women’s sporting events only to discover a man competing, they have invariably reacted with revulsion and outrage.

Thus, the NCAA is ripping off consumers, particularly those interested in increasingly popular women’s sports, the [lawsuit alleges](#).

The organization’s “false, misleading, and deceptive practices” are “confusing” consumers, says the suit, given that the sporting events advertised as “women’s” are indeed “mixed” with men and women.

The NCAA makes a fortune on women’s athletics. The women’s basketball tourney, for example, enjoyed a “tenfold rise” in demand from consumers, with tickets for the Final Four hitting \$800, the [lawsuit argues](#). The 2023 NCAA Division 1 volleyball championship pulled in almost 20,000 fans and was the first broadcast on ABC. The tourney pulled in 1.7 million viewers.



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The lawsuit also provides a history of women's sports organizations, including the LPGA (Ladies Professional Golf Association). That group's real women members demanded that the outfit "ban men from competing in women's golf, noting the unfairness and that 'the male advantage in driving the ball is estimated around a 30% performance advantage.'"

"Anatomical differences between males and females affect clubhead speed and regulating consistency at ball contact," the lady golfers explained in a letter to LPGA brass:

Females have higher mean heart rates and encounter greater physiological demands while playing, especially at high altitudes. The anatomical differences are not removed with male testosterone suppression. There is no way to turn a male into a female. Being a female is not equated to being male with a reduction in strength.

<https://twitter.com/BottomLineFBN/status/1871345582561951850>

Nondisclosure

Yet the NCAA "does not disclose to consumers the individual participants in women's championships and tournaments who are males." Because the organization uses "'women' ... without qualification," it is engaging in false, deceptive, or misleading practices."

The lawsuit further argues that consumers don't want men — "transgender women" — in women's sports, and offered several amusing cases of men in the early 1920s who masqueraded as women to win their events, much to the outrage of fans.

"In 2022, attendees and women participants were horrified to discover that Lia Thomas, a male who competed and failed to excel in men's swimming, competing in NCAA women's swimming event, stealing medals from, and erasing records held by, women," the [lawsuit observes](#).

A man's competing with women is akin to players who use performance-enhancing drugs, the lawsuit rightly explains. Just as those drugs confer advantages over players who don't take them, "the characteristics of male biology confer significant physical advantages over the characteristics of female biology."

The lawsuit lists the myriad ways men are superior athletes to women. And even if they take "cross-sex hormones," men "are unable to significantly reduce their testosterone levels, even if they achieve the same estradiol levels as women."

The suit cites the American College of Sports Medicine:

- Biological sex is a determinant of athletic performance: adult males are faster, stronger, and more powerful than females. The fastest and most powerful males outperform the fastest and most powerful females.
- The sex difference in athletic performance where endurance or muscular power is required is ~10%-30% and varies depending on the requirements of the event. The largest sex difference in performance occurs in sports that rely on muscular power such as weightlifting and jumping.

And again, "testosterone suppression" won't change that.

That, in turn, raises safety concerns for women, the [lawsuit avers](#). It cites a man's brutal spike to the



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face of volleyball player Payton McNabb, [who suffered](#) brain damage and partial paralysis.

https://twitter.com/paytonmcnabb_/status/1870560278028460320

Five Counts

Yet the crux of the lawsuit concerns the NCAA's deceptively advertising women's events as strictly for women.

The first count accuses the NCAA of "engaging in false, misleading, or deceptive acts or practices in the conduct of any trade or commerce."

Count two alleges the group causes "confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services.... Consumers reasonably believe ... that the NCAA approves or certifies that the participants in its 'women's sports' are, in fact, 'women.'"

The third count says the organization represents "quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not." NCAA tells "consumers that participation in its 'women's' sporting events is restricted to biological females when, in fact, biological males are also permitted to participate."

Count four alleges that NCAA advertises "goods or services with intent not to sell them as advertised."

And count five alleges that NCAA's advertising induces consumers into transactions they would avoid if they knew the truth — i.e., that men are competing as women.

The [lawsuit asks](#) the court to stop the NCAA from permitting men to compete with women in Texas, or to require the organization "to stop using the term 'women' in relation to its women's sporting events" in which men are permitted to compete in Texas.

https://twitter.com/Riley_Gaines_/status/1870914104149364900

"This is awesome," former NCAA swimmer Riley Gaines wrote on X. "Hit them where it hurts☐☐☐ I hope more states do the same."

Gaines was forced to compete against [Thomas](#).



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