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Food & Consumer Packaged Goods Litigation

Anheuser-Busch Wins Dismissal of Watered-Down Beer Cases

In Re: Anheuser-Busch Beer Labeling Marketing & Sales Practices Litig., No. 1:13-md-02448 (N.D. Ohio): A federal judge in Ohio dismissed multi-district litigation accusing Anheuser-Busch of deliberately watering down its beers. Alleging that Anheuser-Busch deliberately overstated the alcohol content of its beers, the putative class actions asserted claims under the Magnuson-Moss Warranty Act and the Missouri Merchandising Practices Act, as well as consumer protection, unjust enrichment, and fraudulent misrepresentation claims under various states' laws. In granting the motion to dismiss, the court noted that the Federal Alcohol Administration Act allows "a tolerance" of 0.3 percent, either above or below the percentage of alcohol stated on the label, and the eight states in which the consolidated cases were filed either explicitly or implicitly support the federal law. Because there was no allegation that the alleged mislabeling ever exceeded the allowed 0.3% tolerance, the court dismissed the putative class actions. Because the federal act does not distinguish between intentional and unintentional variances from the stated percentages, plaintiff's claim that Anheuser-Busch acted intentionally was irrelevant. [Order](#).

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