

[Blogs](#)

September 24, 2014

Food & Consumer Packaged Goods Litigation

Court Embraces Standing Argument in Beer Case

Marty v. Anheuser-Busch Cos., No. 13cv23656 (S.D. Fla.) The court denied in part and granted in part defendant's motion to dismiss in a putative class action alleging that Anheuser-Busch misled consumers and charged a premium price for Beck's beer by marketing it as a German beer when it is actually manufactured in the United States. First, the court rejected defendant's claim that no reasonable consumer could believe that the product was brewed in Germany. Second, the court rejected defendant's safe-harbor argument, holding that the alleged omissions and misrepresentations were not based on any labels approved by a federal agency, and the safe harbor provisions of the relevant state consumer protection statutes were thus not triggered. The court also rejected defendant's argument that plaintiffs had not alleged actual harm, recognizing the "premium price" theory of damages. Addressing defendant's standing arguments, the court granted the motion to dismiss and noted that the complaint failed to allege facts showing that plaintiffs will likely face a real or immediate threat of future injury. [Order](#).

Explore more in

[Food & Consumer Packaged Goods Litigation](#) [Food & Beverage](#)

Blog series

Food & Consumer Packaged Goods Litigation

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

[Subscribe ?](#)

[View the blog](#)