

## **Court Grants Defendant's Motion for Summary Judgment, Dismissing the Remaining Claim in Tito's Handmade Vodka False Labeling Lawsuit**

*Pye v. Fifth Generation, Inc.*, No. 4:14-cv-493 (N.D. Fla.): The Court granted Defendant's motion for summary judgment, dismissing the only remaining claim—breach of express warranty—in this false labeling putative class action involving Tito's Handmade Vodka. The claim pertained solely to the representation that Tito's is made in "an old fashioned pot still." Undisputed evidence established that Defendant manufactured Tito's in pot stills, but Plaintiffs challenged that the pot stills are not truly "old fashioned" because pot stills have changed over time. The Court, however, found nothing in the record to support Plaintiffs' interpretation of "old fashioned" and declined to interpret the term so narrowly. The Court also dismissed the express warranty claims because Plaintiffs did not provide evidence that they provided notice to Defendant of the alleged breach of warranty, as Florida law requires. [Order](#).

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