

Winston Defeats Class Certification on Behalf of J.M. Smucker Co.

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In the most recent favorable decision for The J.M. Smucker Company in a series of cases involving its Uncrustables® Sandwiches and Crisco® Shortening products, Winston & Strawn successfully persuaded the court to deny class certification in a false advertising class action accusing Smucker of mislabeling its products with statements such as “all-vegetable” and “wholesome” despite containing trace amounts of trans fat and high-fructose corn syrup.

In his ruling, U.S. District Judge George King denied the plaintiff’s attempt to certify damages classes with prejudice, ruling that the plaintiff did not provide sufficient information to measure class-wide damages. Plaintiffs had been seeking \$145 million in damages. The Court also denied the injunctive relief classes without prejudice. Winston had earlier obtained the dismissal of several causes of action and one named plaintiff in the case.

The Winston team included partner Ronald Rothstein, with assistance from associates Jason Hamilton and Shawn Obi.

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