

Winston Obtains Another Class Action Dismissal on Behalf of Maker's Mark

JULY 27, 2015

On July 27, 2015, Winston litigators once again proved that Maker's Mark Distillery Inc. did not falsely label its product as "handmade" when the U.S. District Court for the Southern District of California denied a putative class action.

Among other claims, plaintiffs accused Maker's Mark of negligent and intentional misrepresentation and sought an injunction barring the company from claiming its whiskey is handmade. The Court found that Maker's Mark did not violate California's unfair competition and false advertising laws and granted the distiller's motion to dismiss, finding that the term "handmade" cannot be interpreted by any reasonable consumer as meaning literally by hand with no involved equipment or automated process.

On behalf of Maker's Mark, Winston litigators argued that that the negligence claims should be tossed based on California's economic loss doctrine, which provides that plaintiffs claiming economic harm may only recover damages based on a contractual claim, not on tort claims of negligence or strict liability. This claim was unopposed by plaintiffs.

Winston partners Amanda Groves along with associate Shawn Obi, represented Maker's Mark.

Winston obtained a similar result on behalf of Maker's Mark in the U.S. District Court for the Northern District of Florida in May. Read about that victory [here](#).

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