

## Food & Beverage MVP: Winston & Strawn's Amanda Groves

By Lisa Ryan

*Law360, New York (November 10, 2015, 8:30 PM ET)* -- Winston & Strawn LLP's Amanda Groves has worked tirelessly this past year to defend some of the world's biggest brands — such as liquor legend Beam Suntory and retail giant Costco — as they battled consumer labeling class actions, landing herself among Law360's 2015 Food and Beverage MVPs.

While serving on the executive committee, chairing the litigation department for the firm's Charlotte office and co-chairing the food and beverage group at the firm, Groves somehow finds time to help big-name brands shake suits largely focused on false labeling allegations.

She didn't set out to focus her practice on the food and beverage industry, but found her niche while working for Diamond Foods, which produces Kettle Brand Potato Chips, Pop Secret and more, she said.

"My work with the food and beverage area started off working for Diamond Foods. I worked on labeling litigation for them, and that was one of the early cases before that practice area became popular," Groves told Law360.

Over the last year, Groves helped Beam Suntory Inc. escape highly publicized suits in Florida and California claiming the company falsely marketed its Maker's Mark and Jim Beam brands as "handmade."

A Florida federal judge in May had sided with the spirits manufacturer, saying a proposed class action accusing it of misleading consumers into thinking its bourbon is "handmade" couldn't succeed, because the term's literal meaning obviously can't be applied to liquor.

Shortly thereafter, a California federal judge in August axed a similar proposed class action, likewise holding that a reasonable consumer wouldn't interpret the word literally.

**MVP**  
**FOOD & BEVERAGE**



Amanda Groves  
Winston & Strawn

"[These suits] were among the first of a new wave of cases that hit the food and beverage industry: claims relating to 'handmade' on labels," Groves said. "What makes the work that we did for Beam a little unique and why it garnered a lot of press is because the other companies that had been sued were not successful on getting out on motions to dismiss. We were the first to have these sort of cases dismissed at the motion to dismiss stage."

Groves also helped longtime client Diamond Foods reach a settlement this year resolving three class actions claiming the company mislabeled its Kettle Brand products as "natural," having "reduced fat" and containing "nothing artificial."

"There were multiple cases filed in multiple jurisdictions, and we settled the first case out in Florida but had to get the cooperation and consent to that settlement from attorneys in other cases in other jurisdictions, and we were able to do that. The other attorneys in other jurisdictions also helped us defeat objectors to the settlement, so it ultimately got approved," Groves said.

The food and beverage legal expert also nabbed a landmark ruling in a false labeling action accusing Costco Wholesale Corp. of mislabeling Kirkland Signature products as containing zero grams of fats.

"In a case of first impression, the judge in the Costco case held that the safe harbor defense applies to consumer class actions, which hadn't been applied yet in California," Groves said.

The suit is still ongoing, since the judge stayed the case while the Ninth Circuit decides three labeling class actions that contain similar claims, but the judge's decision regarding the safe harbor defense is quite significant, according to the attorney.

Groves practices in both Northern California and Charlotte, North Carolina. She has represented food and beverage clients in a broad range of matters, including class actions, product liability, false advertising, labeling, defamation, brand enforcement, tax and other litigation issues.

She said that her work fits in nicely with Winston & Strawn's food and beverage practice, and that she's had a lot of repeat clients since joining the firm in 2004.

"They keep coming back, and that's how I've grown my food and beverage practice," Groves said.

--Editing by Edrienne Su.

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