

INSIGHT

First-of-its-Kind Slack-Fill Class Action Dismissed, Affirmed on Appeal

MARCH 17, 2016

Winston successfully defended a cosmetics brand in one of the first putative nationwide class actions alleging nonfunctional slack-fill in product packaging, securing a dismissal on the pleadings. This case was affirmed by the Ninth Circuit and is frequently cited as setting the standard for the "reasonable consumer" under California's consumer protection laws.

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