

PARTNER POOJA NAIR PUBLISHES ARTICLE FOR DAILY JOURNAL ON DISMISSAL OF CONSUMER FRAUD CLAIMS

NINTH CIRCUIT DISMISSES FRAUD CLAIMS AGAINST DIET DR. PEPPER UNDER REASONABLE CONSUMER TEST

01.13.2020

Los Angeles Daily Journal

Pooja S. Nair, a Partner in ECJ's Litigation Department, published an article in the January 13, 2020 *Daily Journal* titled, "Ninth Circuit Dismisses Fraud Claims Against Diet Dr. Pepper Under Reasonable Consumer Test." Her article examines the consumer fraud claims filed in the 9th U.S. Circuit Court of Appeals alleging the word "diet" in Diet Dr. Pepper is misleading and fraudulent to consumers.

The consumer fraud claims focused on the Diet Dr. Pepper brand's use of the term "diet" as an expectation of weight loss or healthy weight management, while noting that the beverage contains the artificial sweetener aspartame, which actually causes weight gain. The court ultimately dismissed the case finding that the prevalent understanding of diet soft drinks is that the "diet" versions have fewer calories than the regular versions and it is unreasonable to interpret the diet soda's branding as false or misleading.

[Click here to read Pooja's full article](#) (*subscription required*).

Pooja is a business litigator and problem solver with a focus on the food and beverage sector. She advises food and beverage clients, startups and other businesses on a comprehensive range of issues, including employment, trade secrets, partnership disputes, contract negotiations and intellectual property.

PROFESSIONALS

Pooja S. Nair

PRACTICE AREAS

Food, Beverage and Hospitality

Litigation and Alternative
Dispute Resolution