

Suit: beer deceptively marketed as brewed in Dublin

\$769,104 settlement

By Staff

The plaintiff alleged that the defendants deceptively marketed Guinness Extra Stout, or GES, in an effort to convince consumers that all GES sold in the United States (and specifically Massachusetts) was sourced, brewed, bottled-in and imported from St. James's Gate Brewery in Dublin, Ireland. In fact, the plaintiff alleged that all GES sold in Massachusetts during the class period was sourced, brewed, bottled-in and imported from Canada.

The plaintiff alleged that those misrepresentations resulted in a price premium.

Utilizing an economic damage analysis, the court approved a class action settlement awarding damages of 50 cents per six-pack of GES sold in Massachusetts during the class period. That created the available claim relief fund of \$769,104.

Class members who submitted a claim form received cash payments of up to \$10 per household with no proof of purchase required, and up to \$20 per household with actual proof of purchase provided.

In addition to the claim fund, the court approved the plaintiff's request for class representative stipend and attorneys' fees in the amount of \$1.3 million.

In addition to the terms of settlement approved by the court, in September 2015 the defendants moved all production of GES sold in Massachusetts and the continental United States to St. James's Gate Brewery in Dublin.

ACTION: Consumer protection

INJURIES ALLEGED: Money damages in form of alleged price premium increase in cost of product/beverage

CASE NAME: O'Hara v. Diageo Beer Company USA & Diageo North America, Inc.

COURT/CASE NO.: U.S. District Court/No. 1:15-cv-14139

JURY AND/OR JUDGE: N/A (settled)

AMOUNT: \$769,104 for claim relief fund (additional \$1.3 million in attorneys' fees)

MOST HELPFUL EXPERT: Stefan Boedecker, economic damage expert, Los Angeles

DATE: Dec. 2, 2021

ATTORNEYS: Kevin McCullough and Michael Forrest, of Forrest, Mazow, McCullough, Yasi & Yasi, Salem (for the plaintiff)