

Mind Your Ps and Qs

By Reg P. Wydeven
July 5, 2015

Awhile back I wrote about a class action lawsuit involving hundreds of patrons of Subway restaurants that sued the sandwich chain for false advertising. They claimed they were ripped off because they ordered foot-long subs, but only got sandwiches 11½ or sometimes only 11 inches long. The plaintiffs sought monetary damages because as customers, they didn't get what they paid for.

As Americans, we take our measurements seriously. As a connoisseur of fine cheeseburgers, I love to try different burgers in new places. On many menus there will be an asterisk next to the entries for ¼ or ½ pound burgers. At the bottom of the menu the asterisk points out that these are precooked weights – moisture in the patty will evaporate or drip off during cooking. The restaurant doesn't want me to be disappointed if I weigh my burger when it arrives only to find it is too light.

While I take cheeseburgers seriously, beer lovers take their passion to a whole other level.

In the mid-1990s, William Abernathy, a writer from Portland, started the “Honest Pint” movement. A cerevisaphile (or realbeer.com's fancy moniker for a beer lover, derived from ‘cerevisia,’ which is Latin for beer), Abernathy was upset because he felt he was getting less beer than the pint that he ordered at bars. To confirm his suspicions, he measured the beer he was served in a Pyrex measuring cup and many times found he did not receive his allotted 16 ounces.

Abernathy started a crusade to have legislators enact laws to ensure consumers get what they paid for. In 2007, blogger Jeff Alworth picked up the torch by founding the Honest Pint Project, which enables consumers to “certify” their pints at their local taverns.

Beer enthusiasts claim many bars have large novelty glasses or mugs, but the actual liquids they hold are far less than 16 ounces. So they're calling for laws to protect their rights.

Mandates regulating the accuracy of pints is nothing new. In Britain, there are strict laws that require bartenders to give patrons exactly a pint (which is 20 ounces in the United Kingdom) or face consequences.

While laws ensuring a pint is a pint are entrenched in England, similar measures have gotten skunked in the U.S. Bills requiring a full 16 ounces have been introduced in Maine, Michigan and other states, but all have failed to pass. Three legislators from Abernathy's home craft beer-loving state of Oregon introduced a bill to certify the accuracy of pints sold in establishments, but it also has not passed.

Beer aficionados speculate that legislators have not hopped on the wagon because it would be extremely costly for bars to replace all their glassware and to police the rules. Others concede that our government has bigger things to worry about than making sure glasses contain a full 16 ounces of beer.

The “Honest Beer” movement reminds of the time my buddy, Tree, and I went to McDonald's in high school. He ordered a Big Mac and large fry, but instead of giving him a large fry they just gave him a bunch of little ones.

Hope you had a fun and safe 4th of July!

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2015 McCarty Law LLP. All rights reserved.