

People Sour on Beer

By Reg P. Wydeven
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Next week is the Super Bowl, and I am devastated the Packers won't be playing. The first half of my life did not hold much success as far as the Pack was concerned. However, the second half has featured three Super Bowl appearances, which is awfully exciting.

I was in law school in 1996 for Super Bowl XXXI. A bunch of friends got together to watch the Packers beat the Patriots. We ordered a bunch of pizzas and had a bunch of snacks. A lot of the guys wanted beer, but the ladies wanted margaritas.

By the time Super Bowl XLV rolled around in 2010 featuring the Packers beating the Steelers, the beer/margarita dilemma had been solved. Anheuser-Busch had recently introduced Bud Light Lime-A-Rita, a combination of the two beverages that comes in five flavors. The brewery describes it as having "the great taste of a lime margarita with a twist of Bud Light Lime for a delightfully refreshing finish."

For this year's Super Bowl XLIX, however, Anheuser-Busch finds itself in court over its beer-margarita hybrid.

Sheila Cruz filed a class action lawsuit against the beer maker alleging it was deceptive in labeling its products. According to her suit, Anheuser-Busch claims Bud Light Lime-A-Rita is low in calories, but actually has more calories than any of its other products.

Cruz's court papers show that an eight-ounce can of Lime-A-Rita has about 220 calories and 21.9 grams of carbohydrates. A 12-ounce can of Budweiser, though, has about 145 calories and 10.6 grams of carbohydrates. A can of Bud light has about 110 calories and 6.6 grams of carbohydrates, while a can of Bud Light Lime has about 116 calories and 8 grams of carbohydrates.

According to the suit, Anheuser-Busch deceptively concealed, omitted and misrepresented the calories in the products. Cruz's suit is seeking class status for any consumer who purchased any flavor of Bud Light Lime-A-Rita since it was first introduced in 2008. Cruz originally filed in state court in Los Angeles, but as expected, Anheuser-Busch successfully requested to have the case removed to the U.S. District Court for the Central District of California under the Class Action Fairness Act.

Just based on the fact that a smaller can of Bud Light Lime-A-Rita contains about 50% more calories than a regular can of Budweiser and twice as many calories as a can of Bud Light, Cruz's chances seem promising. But compared to a typical margarita that has about 450 calories, a Bud Light Lime-A-Rita certainly seems "light."

It will be interesting to see how Anheuser-Busch defends the case. If the brewer asserts Lime-A-Rita is a light alternative compared to a margarita, they may be exposing themselves to a false advertising claim by identifying the drink with Bud Light, a beer.

Anheuser-Busch is caught between a rock and a hard place. It reminds me of the Packers' situation at the end of Super Bowl XXXII against the Broncos. Because Denver had the ball on the 1-yard line with 1:47 left, Coach Holmgren was faced with the decision of either letting them score to leave some time for the Pack to tie the game or make a stand and likely lose to a last second field goal. Anheuser-Busch is hoping to have a happier ending than what we had.

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