



## AT THE BAR WITH BOWDITCH

A Legal Blog for the Craft Brewing Community

### California District Court Disposes of Challenge to MillerCoors' Marketing of Blue Moon

BY CHRISTOPHER MERCURIO • JUNE 27, 2016

During an apparent respite from the controversy surrounding the [Trump University Case](#), California District Court Judge Gonzalo Curiel recently found time to dispose of another high profile case in which a craft beer enthusiast accused MillerCoors of deceptively marketing its popular Blue Moon Belgian-style beer. *Parent v. MillerCoors* has been lingering since October of 2015, when Judge Curiel allowed the Plaintiff, Evan Parent, to amend his complaint. On June 16, 2016, the case was finally dismissed in favor of MillerCoors.

Mr. Parent's [original complaint](#) alleged that Blue Moon does not fit within the American Brewers Association's definition of craft beer, and therefore, MillerCoors' marketing of Blue Moon as "artfully crafted" along with its placement of Blue Moon in liquor stores next to craft beers, its pricing of Blue Moon, and its listing of Blue Moon on the MillerCoors website with other "craft" beers amounts to a violation of California consumer protection and false advertising laws.

Mr. Parent's amended complaint made the same legal arguments, but added additional factual allegations to support those claims. Mr. Parent argued that in addition to not meeting the American Brewers Association's definition of a craft beer, it also does not meet the various dictionary definitions which define craft beers as "specialty beer produced in limited quantities" that are "made using traditional methods in small, independent breweries." Mr. Parent also alleged that MillerCoors falsely portrayed Blue Moon as "having been [invented independently by Dr. Keith Villa](#) . . . when, in fact Dr. Villa was a MillerCoors employee who developed Blue Moon at the direction of MillerCoors executives." Finally, Mr. Parent added additional allegations concerning the advertisement of Blue Moon as a craft beer in various restaurants and concert venues, and MillerCoors' direction of retailers to price and stock Blue Moon as they would other craft beers.

Judge Curiel found that the various advertisements that Mr. Parent cites constitute "non-actionable puffery" rather than false advertisements. Judge Curiel relied on well-settled case law which states that actionable misrepresentations must contain specific and measurable claims "capable of being proved false or of being reasonably interpreted as a

statement of objective fact.” The Court found that MillerCoors’ advertisements were too vague and unspecific to mislead a reasonable consumer. The Court also reiterated that MillerCoors cannot be liable for actions taken by retailers in marketing Blue Moon as a craft beer because MillerCoors did not exercise the type of “unbridled control” over retailers’ conduct that would make it responsible for the retailers’ claims or advertisements.

*Parent v. MillerCoors* is a win for large brewers and provides them with helpful guidelines concerning the thresholds for false advertising of “craft” beers produced in large quantities.