



# HERBERT SMITH FREEHILLS REPRESENTS ACH IN CONSUMER CLASS ACTION

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News

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Massachusetts federal judge granted ACH’s motion to dismiss the case after determining that the company’s tendering of a \$75 check to plaintiff Joseph Demmler didn’t represent a settlement offer. The plaintiff purportedly rejected the check because ACH offered relief to only Demmler and not the entire class. ACH maintained that plaintiff’s rejection of the \$75 check mooted the case.

“Today’s decision sets significant precedent for consumer class actions going forward,” said New York partner David Wallace. “The outcome will provide defendants in similar cases a new tool to help resolve these matters on the front end by tendering relief in response to the pre-suit demand letter, which is typically mandated by state consumer protection statutes -- for purposes of encouraging extra-judicial resolution of disputes of this sort as a policy matter.”

The Herbert Smith Freehills team was led by partner David Wallace. The case is *Demmler v. ACH Food Companies, Inc.*, No. 1:15-cv-13556-LTS (D. Mass. June 9, 2016).

**About Herbert Smith Freehills**

Operating from over 26 offices across Asia Pacific, EMEA and North America, Herbert Smith Freehills is at the heart of the new global business landscape providing premium quality, full-service legal advice. We provide many of the world's most important organisations with access to market-leading dispute resolution, projects and transactional legal advice, combined with expertise in a number of global industry sectors, including energy, natural resources, infrastructure, technology and financial services.

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## **MEDIA CONTACT**

For further information on this news article, please contact:

**CORINNE MCPARTLAND,  
COMMUNICATIONS LEAD**

LONDON

Tel: +44 20 7466 2057

Email: [corinne.mcpartland@hsf.com](mailto:corinne.mcpartland@hsf.com)