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**FILED**  
Superior Court of California  
County of Los Angeles

**NOV 24 2020**

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By S. DREW Deputy

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10 *Attorneys for Plaintiffs*  
11 *and the Putative Class*

12 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
13  
14 **COUNTY OF LOS ANGELES**

15 DENISE ANGIANO; CHARLEY  
16 KARPINSKI, individually and on behalf of  
17 all others similarly situated,

18 Plaintiffs,

19 vs.

20 ANHEUSER-BUSCH INBEV  
21 WORLDWIDE, INC., a Delaware  
22 corporation; DOES 1 to 100, inclusive,

23 Defendant.

CASE No.: **20STCV45069**

**CLASS ACTION**

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

WILSHIRE LAW FIRM, PLC  
3055 Wilshire Blvd, 12th Floor  
Los Angeles, CA 90010-1137

11/25/2020

1 Plaintiffs Denise Angiano and Charley Karpinski ("Plaintiffs"), individually and on behalf  
2 of all others similarly situated, bring this action based upon personal knowledge as to themselves  
3 and their own acts, and as to all other matters upon information and belief, based upon, *inter alia*,  
4 the investigation of their attorneys.

### 5 NATURE OF THE ACTION

6 1. Defendant Anheuser-Busch InBev Worldwide, Inc. ("Defendant") is a Delaware  
7 corporation headquartered in St. Louis, Missouri, that produces and distributes malt beverages,  
8 including Beck's Non-Alcoholic Beer ("Beck's beer" or "Beck's non-alcoholic beer").

9 2. Plaintiffs are reasonable consumers who purchased Beck's beer reasonably  
10 believing that such beverages do not contain any alcohol. As a result of Defendant's deceptive  
11 and misleading practice of labeling Beck's beer bottles and packages as "non-alcoholic," without  
12 more, Plaintiffs and the Class Members were induced to purchase Beck's beer, which is not  
13 devoid of alcohol as advertised. Plaintiffs reasonably relied on Defendant's representations that  
14 Beck's beer was "non-alcoholic" when making their purchases. But for Defendant's deceptive  
15 and misleading practices, Plaintiffs and the Class Members would not have purchased Beck's  
16 beer.

17 3. Defendant's false and misleading advertising deceives consumers into believing  
18 that they are consuming a malt beverage with no alcohol content whatsoever and, through this  
19 deception, Defendant seeks to induce consumers to purchase Beck's beer beverages when they  
20 would otherwise have purchased another beverage which did not contain any amount of alcohol.

21 4. Defendant was aware that it was not providing its customers with a beverage that  
22 did not contain any amount of alcohol, yet it proceeded to display the "non-alcoholic"  
23 advertisement on Beck's beer bottles and packages, without any warning that the beverage  
24 contains some alcohol, creating the clear impression to its customers that they are purchasing and  
25 consuming a beverage that does not contain any amount of alcohol. This behavior is therefore  
26 materially misleading, in that reasonable consumers would not understand Beck's non-alcoholic  
27 beer to contain any amounts of alcohol. Thousands of consumers have purchased Beck's beer

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1 under the false belief that they are not consuming any amount of alcohol. They have been misled.  
2 They have been deceived into consuming alcohol.

3 5. Defendant has made millions of dollars in fraudulent sales to individuals who  
4 Defendant told were receiving a product that does not contain any alcohol, which they did not  
5 receive. Defendant's customers did not receive the benefit of their bargain. Plaintiffs were  
6 induced to make a purchase that they would not have made if they were not misled about the fact  
7 that Beck's non-alcoholic beer contains.

### 8 THE PARTIES

9 6. Plaintiff Denise Angiano ("Plaintiff Angiano") is a California citizen residing in  
10 Los Angeles, California. Plaintiff Angiano purchased and consumed Beck's non-alcoholic beer  
11 under the false belief that she purchased and consumed a beverage that did not contain any  
12 alcohol, which is not true. As a result of Defendant's behavior, Plaintiff Angiano consumed  
13 alcohol at a time when she did not wish to consume any amount of alcohol. Plaintiff Angiano was  
14 pregnant and breastfeeding her baby at the time she purchased and consumed Beck's beer.

15 7. Plaintiff Charley Karpinski ("Plaintiff Karpinski") is a California citizen residing  
16 in Studio City, California. Plaintiff Karpinski purchased and consumed Beck's non-alcoholic  
17 beer under the false belief that the beverage does not contain any alcohol, which is not true. As  
18 a result of Defendant's behavior, Plaintiff Karpinski consumed alcohol at a time when he did not  
19 wish to consume any amount of alcohol. Plaintiff Karpinski is in recovery from alcoholism.

20 8. Defendant is a Delaware corporation with its principal offices located at One  
21 Busch Place, St. Louis Missouri, 63118.

22 9. Plaintiffs are unaware of the true names, identities, and capacities of the  
23 defendants sued herein as DOES 1 to 100. Plaintiffs will seek leave to amend this complaint to  
24 allege the true names and capacities of DOES 1 to 100 if and when ascertained. Plaintiffs are  
25 informed and believe, and thereupon allege, that each of the defendants sued herein as a DOE is  
26 legally responsible in some manner for the events and happenings alleged herein and that each of  
27 the defendants sued herein as a DOE proximately caused injuries and damages to Plaintiffs and  
28 Class Members as set forth below.

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1           10. As used herein, "Defendant" shall refer to Defendant Anheuser-Busch Inbev  
2 Worldwide, Inc. and Does 1 to 100, collectively.

3                                   **JURISDICTION AND VENUE**

4           11. This Court has subject matter jurisdiction over this action pursuant to Section  
5 410.10 of the California Code of Civil Procedure.

6           12. The Court has personal jurisdiction over Defendant because Plaintiff's and the  
7 Class Members' claims arise out Defendant's business activities conducted in the State of  
8 California.

9           13. Venue is appropriate in Los Angeles County because, among other things: (a)  
10 Plaintiffs reside in Los Angeles County; and (b) many of the acts and omissions that give rise to  
11 the claims for relief alleged in this action took place in Los Angeles County.

12                                   **FACTUAL ALLEGATIONS**

13           14. Defendant is the owner, manufacturer, and distributor of Beck's Non-Alcoholic  
14 Beer. There are two different categories of non-alcoholic beers. The first category is "alcohol  
15 free" beer, which contains no detectable levels of alcohol and is often labeled as being "alcohol  
16 free" and having "0.0%" alcohol by volume ("ABV"). The second category is "non-alcoholic"  
17 beer, which can contain up to 0.5% ABV. All non-alcoholic beers with any detectable amount of  
18 alcohol fall into the second category. This lawsuit pertains to the second category of non-  
19 alcoholic beers with detectable amounts of alcohol. Beck's beer is a malt beverage which contains  
20 some alcohol less than 0.5% ABV but higher than 0.0% ABV, and is made by the process of  
21 alcoholic fermentation.

22           15. The distinction between "alcohol free" and "non-alcoholic" beverages is important  
23 for many consumers, including individuals who are pregnant or breastfeeding, people recovering  
24 from alcoholism, and any other individual who does not wish to consume any amount of alcohol  
25 for any reason. Those abstaining from alcohol inadvertently consume alcohol by drinking Beck's  
26 beer because it lacks sufficient warning that it contains some alcohol. These consumers are  
27 induced to purchase a product they would not have otherwise purchased.

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11/25/2020

1           16.     Plaintiffs are consumers who each purchased a pack of Beck's beer reasonably  
2 believing that it does not contain any alcohol. When Plaintiffs made this purchase, they saw the  
3 labeling and packaging of the beverage, including the large prominent words, "non-alcoholic."  
4 Neither the bottles nor the packaging of the beverages contained any disclaimer that the product  
5 contained some alcohol.

6           17.     Plaintiff Angiano was pregnant and breastfeeding her child when she purchased  
7 and consumed Beck's beer from, among other places and instances, a BevMo! store in Manhattan  
8 Beach, California on or about October 21, 2020. Plaintiff Angiano saw the phrase "non-  
9 alcoholic," but did not see any other statement on the Beck's beer package or bottles indicating  
10 that the beer contains any alcohol. Plaintiff Angiano made her purchases based on the reasonable,  
11 but false, belief that she would consume a beverage that does not contain any alcohol. Plaintiff  
12 Angiano was misled. Plaintiff Angiano was pregnant when she consumed Beck's beer and  
13 inadvertently consumed alcohol. Plaintiff Angiano was breastfeeding when she consumed Beck's  
14 beer and inadvertently consumed alcohol. Plaintiff Angiano's child was placed at risk of injury.  
15 Plaintiff Angiano would not have purchased Beck's beer if she had known that it contains some  
16 alcohol.

17           18.     According to the American College of Obstetrics and Gynecology, drinking  
18 alcohol while pregnant is the cause of fetal alcohol spectrum disorder ("FASD"), which is an  
19 umbrella term for a variety of problems that can develop if a child is exposed to alcohol while a  
20 fetus in the womb. The most severe form of FASD is called "fetal alcohol syndrome," which is  
21 characterized by facial abnormalities, stunted growth, and behavioral and mental disabilities. It is  
22 unknown exactly how much alcohol must be consumed to affect a fetus and result in long term  
23 health consequences to that child.

24           19.     Alcohol abuse by a breastfeeding mother can result in slow weight gain and failure  
25 to thrive in her baby. There is no level of alcohol in breast milk that is considered safe for a baby  
26 to drink. When a breastfeeding mother drinks alcohol, it passes into her breast milk at  
27 concentrations similar to those found in her blood stream. A newborn eliminates alcohol from his  
28 or her body at only half the rate of an adult. Research suggests that breast-fed babies who are

1 exposed to one drink a day might have impaired motor development and that alcohol can cause  
2 changes in sleep patterns. Alcohol also reduces milk production and the presence of alcohol in  
3 breast milk causes babies to drink about 20% less breast milk. Further, pumping-and-dumping  
4 breast milk does not speed the elimination of alcohol from the mother's body.

5 20. Plaintiff Karpinski is in recovery from alcoholism, and was in recovery from  
6 alcoholism when he purchased and consumed Beck's beer from a Gelson's store in Valley  
7 Village, California on or about September 2020. Plaintiff Karpinski saw the phrase "non-  
8 alcoholic," but did not see any other statement on the Beck's beer package or bottles indicating  
9 that the beer contains any alcohol. Plaintiff Karpinski made his purchase based on the reasonable,  
10 but false, belief that he would consume a beverage that does not contain any alcohol. Plaintiff  
11 Karpinski was misled. Plaintiff Karpinski consumed Beck's beer and inadvertently consumed  
12 alcohol. Upon discovering that Beck's beer contains alcohol, Plaintiff Karpinski discarded his  
13 three remaining bottles. Plaintiff Karpinski would not have purchased Beck's beer if he had  
14 known that it contains some alcohol.

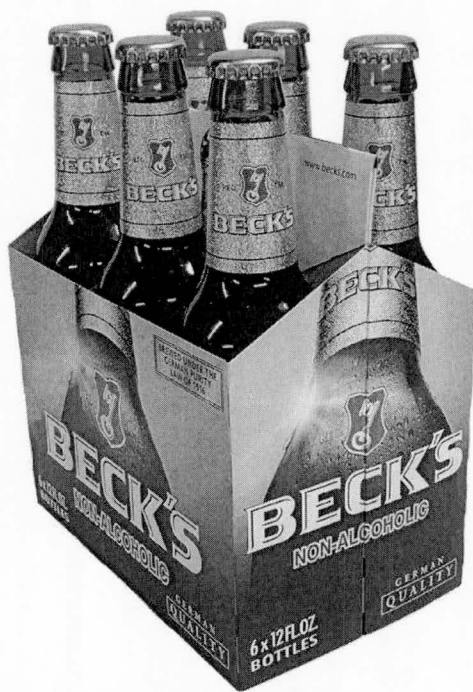
15 21. Researchers have shown that drinking non-alcoholic beer can sharply increase  
16 blood alcohol level in certain instances, as well as lead some individuals to test positive for  
17 alcohol metabolites in their urine or breath. Additionally, many non-alcoholic beers often contain  
18 more alcohol than their label claims.

19 22. As can be seen from the photos below, Defendant has failed to include the warning  
20 "contains less than 0.5 percent (or .5%) alcohol by volume" in conjunction with use of "non-  
21 alcoholic" in readily legible printing or on a completely contrasting background as required by  
22 27 CFR 7.71(e), as memorialized in California Business & Professions Code § 25200(a).  
23 Defendant has omitted the statement altogether on many of its bottles and bottle packages,  
24 including those purchased by Plaintiffs:



1/25/2020

WILSHIRE LAW FIRM, P/C  
3055 Wilshire Blvd, 12<sup>th</sup> Floor  
Los Angeles, CA 90010-1137



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Spirits ▾

Beer & Hard Seltzer ▾

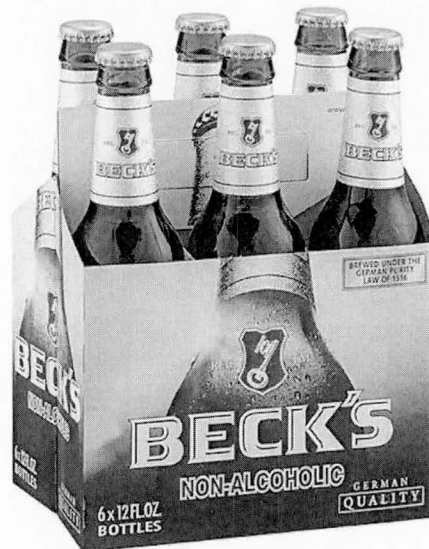
Snacks, Mixers & More ▾

Gifts

Recipes ▾

Parties, Weddings & Corporate Orders

◀ Back | Home > Shop > Beer & Hard Seltzer > Non-Alcoholic > Specialty Beer



### Beck's Non-Alcoholic Beer (6PKB 12 OZ)

**\$6.99** CLUBBEV

~~\$7.99~~ | 6pkb 12 oz

★★★★ 4.8 | 4 Review(s) | Write a Review

Beck's Non-Alcoholic Beer is medium-bodied with grainy malt sweetness and hoppy accents.

14 In Stock

ADD TO CART

SKU: 4242  
Type/Varietal: Specialty Beer  
Brand/Company: Beck's  
Country: USA  
Style: Alcohol Free  
Size: 6PKB 12 OZ

23. Plaintiffs believed that the “non-alcoholic” logo on Beck’s beer, without any information on the bottles or packages to the contrary, meant that Plaintiffs would not be consuming any alcohol. Plaintiffs made their purchase in reliance upon this belief. Plaintiffs were misled into consuming alcohol when they did not want to consume any alcohol and made

1 purchasing decisions reflecting their desire to not consume any alcohol. Had Plaintiffs known  
2 that Beck's non-alcoholic beer contains alcohol, they would not have purchased the beverage.

3 24. Accordingly, Plaintiffs purchased and consumed Beck's non-alcoholic beer in  
4 reliance on a false representation created by Defendant and placed on Beck's non-alcoholic beer  
5 bottles and bottle packages and/or at Defendant's behest, and did not receive the benefit of their  
6 bargain, which amounts to a malt beverage that contains no alcohol. Upon discovering that  
7 Beck's non-alcoholic beer contains alcohol, Plaintiff Karpinski discarded the three remaining  
8 bottles of the beverage and neither Plaintiff has since purchased Beck's non-alcoholic beer.

9 **CLASS ACTION ALLEGATIONS**

10 25. Plaintiffs bring this action on their own behalf and pursuant to California Code of  
11 Civil Procedure § 382. Plaintiffs intend to seek certification of a class defined as follows:

12 All persons residing in the State of California who purchased a Beck's non-  
13 alcoholic beer under the belief that the beverage does not contain any  
14 alcohol from the period starting four years from the date of the filing of  
15 this Complaint to the date of certification. (the "Class").

16 26. Excluded from the Class are: (a) Defendant, including any entity in which any of  
17 the Defendant has a controlling interest, is a parent or a subsidiary of, or which is controlled by  
18 any of the Defendant; (b) the officers, directors, and legal representatives of Defendant; and (c)  
19 the judge and the court personnel in this case as well as any members of their immediate families.  
20 Plaintiffs reserve the right to amend the definition of the Class if discovery, further investigation  
21 and/or rulings by the Court dictate that it should be modified.

22 27. *Numerosity*. The members of the Class are so numerous that the joinder of all Class  
23 Members is impractical. While the exact number of Class Members is unknown to Plaintiffs at  
24 this time, given the number of Defendant's customers in California, it stands to reason that the  
25 number of Class Members is at least in the thousands. Class Members are readily identifiable  
26 from information and records in Defendant's possession, custody, or control, such as account  
27 information and sales records.

28 ///

28. *Commonality and Predominance.* There are questions of law and fact common to Class Members, which predominate over any questions affecting only individual Class Members.

These common questions of law and fact include, without limitation:

- a. Whether Defendant owns, manufactures, and distribute Beck's non-alcoholic beer;
- b. Whether Beck's non-alcoholic beer contains more than 0.0% ABV;
- c. Whether Defendant wrote, or caused to be written, the phrase "non-alcoholic" on the label of its Beck's non-alcoholic beer bottles and packages;
- d. Whether Defendant omitted the phrase, "contains less than 0.5% alcohol by volume" from every Beck's non-alcoholic beer bottle and package marked as "non-alcoholic," including those Beck's beer bottles and packages that were purchased by Plaintiffs;
- e. Whether Defendant included the phrase, "contains less than 0.5% alcohol by volume" on some of its Beck's non-alcoholic beer bottles and packages such that it is readily legible on a completely contrasting background in direct conjunction with the phrase "non-alcoholic";
- f. Whether Defendant had a policy of warning its Beck's beer customers on Beck's beer bottles and packages that the beverage "contains less than 0.5% alcohol by volume," in direct conjunction with the phrase "non-alcoholic," printed legibly on a completely contrasting background;
- g. Whether Defendant knew or should have known that it must warn its Beck's beer customers in writing that the beverage "contains less than 0.5% alcohol by volume," in direct conjunction with the phrase "non-alcoholic," printed legibly on a completely contrasting background;
- h. Whether Defendant owed a duty of care to its customers to ensure that its Beck's non-alcoholic beer bottles and packages of beer bottles did not contain misrepresentations, and the scope of that duty of care;
- g. The nature of the relief, including equitable relief, to which Plaintiffs and Class Members are entitled; and



1           h       Whether Plaintiffs and Class Members are entitled to damages, civil penalties  
2                   and/or injunctive relief.

3           29.     *Typicality.* Plaintiffs' claims are typical of those of other Class Members because  
4 Plaintiffs, like the other Class Members, wished to abstain from alcohol and purchased Beck's  
5 non-alcoholic beer, which was advertised in such a way as to lead reasonable consumers to believe  
6 that the beverage does not contain any alcohol, but which does contain some alcohol.

7           30.     *Adequacy of Representation.* Plaintiffs will fairly and adequately represent and  
8 protect the interests of the Class Members. Plaintiffs have retained competent counsel  
9 experienced in litigation of class actions, including consumer class actions, and Plaintiffs intend  
10 to prosecute this action vigorously. Plaintiffs and Class Members have a unified and non-  
11 conflicting interest in pursuing the same claims and obtaining the same relief. Therefore, all Class  
12 Members will be fairly and adequately represented by Plaintiffs and their counsel.

13           31.     *Superiority of Class Action.* A class action is superior to other available methods  
14 for the fair and efficient adjudication of the claims alleged in this action. The adjudication of this  
15 controversy through a class action will avoid the possibility of inconsistent and potentially  
16 conflicting adjudications of the asserted claims. There will be no difficulty in the management  
17 of this action as a class action, and the disposition of the claims of the Class Members in a single  
18 action will provide substantial benefits to all parties and to the Court. Damages for any individual  
19 Class Member are likely insufficient to justify the cost of individual litigation so that, in the  
20 absence of class treatment, Defendant's violations of law inflicting substantial damages in the  
21 aggregate would go un-remedied.

22           32.     Class certification is also appropriate because Defendant has acted or refused to  
23 act on grounds generally applicable to the Class Members, such that final injunctive relief or  
24 corresponding declaratory relief is appropriate as to the Class as a whole.

25                   **FIRST CAUSE OF ACTION**

26                   (Intentional Misrepresentation)

27           33.     Plaintiffs repeat and incorporate herein by reference each and every allegation  
28 contained in paragraphs 1 through 32, inclusive, of this Complaint as if set forth fully herein.

11/25/2020



1           34. Defendant represented to Plaintiffs and the Class Members that they were  
2 purchasing and consuming a beverage that did not contain any alcohol. Specifically, Defendant  
3 placed a “non-alcoholic” logo on the label of its Beck’s beer bottles and packages without any  
4 warning that the product contains some alcohol, which is materially misleading in that the  
5 beverage in fact contains some alcohol.

6           35. The representation that Beck’s non-alcoholic beer is “non-alcoholic,” without  
7 more, is false. Plaintiffs and the Class Members did not purchase or consume a beverage free of  
8 alcohol, but rather purchased and consumed beverages containing some alcohol.

9           36. Defendant knew that the representation at issue was misleading when Defendant  
10 made it, and/or made the representation recklessly and without regard for its truth. Defendant  
11 understood, or should have understood, that displaying the “non-alcoholic” logo, without more,  
12 would mislead consumers into believing that they are consuming a beverage containing no  
13 alcohol.

14           37. Defendant intended that Plaintiffs and the Class Members rely on the  
15 representation. The “non-alcoholic” logo was placed on Beck’s beer bottles and packages for the  
16 express purpose of inducing the potential customer to purchase Defendant’s beverage over its  
17 competitors.

18           38. Plaintiffs and the Class Members reasonably relied on the representation.  
19 Plaintiffs and the Class Members believed that the beverage they purchased and consumed a  
20 beverage that did not contain any alcohol. Plaintiffs and the Class Members believed that  
21 Defendant’s logos on its Beck’s beer bottles and packages would be accurate. Plaintiffs and the  
22 Class Members purchased Beck’s beer because they reasonably believed that the beverage did  
23 not contain any alcohol.

24           39. As a result, Plaintiffs and the Class members were harmed when they purchased a  
25 beverage labeled as “non-alcoholic,” even though it contained alcohol. Plaintiffs and the Class  
26 Members were deceived into consuming alcohol. Plaintiffs and the Class members did not receive  
27 the benefit of their bargain. Plaintiffs were induced to make a purchase that they would not have  
28 made if they were not misled about the fact that Beck’s non-alcoholic beer contains alcohol.

1           40.     Plaintiffs' and the Class Members' reliance on Defendant's representation was a  
2 substantial factor in causing this harm. Had Plaintiffs and the Class Members known that Beck's  
3 non-alcoholic beer contains alcohol, they would have made different purchasing decisions and  
4 would not have consumed any alcohol.

5           41.     As a direct and proximate result of Defendant's intentional misrepresentation,  
6 Plaintiffs and Class Members have suffered physical and economic injury and are entitled to  
7 damages in an amount to be proven at trial but in excess of the minimum jurisdictional  
8 requirement of this Court.

9                               **SECOND CAUSE OF ACTION**

10                              (Negligent Misrepresentation)

11           42.     Plaintiffs repeat and incorporates herein by reference each and every allegation  
12 contained in paragraphs 1 through 41, inclusive, of this Complaint as if set forth fully herein.

13           43.     Defendant represented to Plaintiffs and the Class Members that they were  
14 purchasing a beverage that did not contain any alcohol. Specifically, Defendant placed a "non-  
15 alcoholic" logo on the label of Beck's beer bottles and packages, without any warning that the  
16 beverage contains some alcohol, which is materially misleading in that beverage in fact contains  
17 some alcohol.

18           44.     The representation that Beck's beer is "non-alcoholic," without more, is false.  
19 Plaintiffs and the Class Members did not purchase or consume a beverage that did not contain  
20 any alcohol, but rather purchased and consumed beverages containing alcohol.

21           45.     Defendant had no reasonable grounds for believing that the "non-alcoholic" logo  
22 would not mislead consumers into believing they are purchasing or consuming a beverage free  
23 from alcohol. Beck's beer does, in fact, contain some alcohol. Since Defendant is the owner,  
24 manufacturer, and distributor of Beck's, it was in the best position to know that Beck's beers  
25 contain some alcohol, and that omitting the statement, "contains less than 0.5% alcohol by  
26 volume," would induce consumers to purchase Beck's beer under the false belief that it contains  
27 no alcohol.

28     ///

1  
2 46. Defendant intended that Plaintiffs and the Class Members rely on the  
3 representation. The “non-alcoholic” logo was placed on Beck’s beer bottles and packages,  
4 without any warning that the beverage contains some alcohol, for the express purpose of inducing  
5 Plaintiffs and the Class Members to purchase Beck’s beer over its competitors under the false  
6 belief that Beck’s beer does not contain any alcohol.

7 47. Plaintiffs and the Class Members reasonably relied on the representation. Based  
8 on the “non-alcoholic” logo Defendant placed, or induced to be placed, on Beck’s beer bottles  
9 and packages, Plaintiffs and the Class Members believed that the beverages they purchased did  
10 not contain any alcohol. Plaintiffs and the Class Members believed that Defendant’s logos on  
11 Beck’s beer bottles and packages would be accurate. Plaintiffs and the Class Members purchased  
12 Beck’s non-alcoholic beer because they believed that it did not contain any alcohol.

13 48. As a result, Plaintiffs and the Class members were harmed when they purchased a  
14 beverage labeled as “non-alcoholic,” even though it contained alcohol. Plaintiffs and the Class  
15 Members were deceived into consuming alcohol. Plaintiffs and the Class members did not receive  
16 the benefit of their bargain. Plaintiffs were induced to make a purchase that they would not have  
17 made if they were not misled about the fact that Beck’s non-alcoholic beer contains alcohol.

18 49. Plaintiffs and the Class Members’ reliance on Defendant’s representation was a  
19 substantial factor in causing this harm. Had Plaintiffs and the Class Members known that Beck’s  
20 non-alcoholic beer contains alcohol, they would have made different purchasing decisions and  
21 would not have consumed any alcohol.

22 50. As a direct and proximate result of Defendant’s negligent misrepresentation,  
23 Plaintiffs and Class Members have suffered physical and economic injury and are entitled to  
24 damages in an amount to be proven at trial but in excess of the minimum jurisdictional  
25 requirement of this Court.

26 **THIRD CAUSE OF ACTION**

27 (Violation of California False Advertising Law,  
28 Cal. Bus. & Prof. Code § 17500 *et. seq.*)

11/25/2020

1           51. Plaintiffs repeat and incorporate herein by reference each and every allegation  
2 contained in paragraphs 1 through 50, inclusive, of this Complaint as if set forth fully herein.

3           52. Defendant's "non-alcoholic" logo, without more, is materially misleading. Beck's  
4 non-alcoholic beer in fact contains alcohol. This representation was made to California residents,  
5 including those in Los Angeles.

6           53. Plaintiffs and the Class Members relied on the logo by purchasing and consuming  
7 beverages that they reasonably believed did not contain any alcohol. The representation that the  
8 beverages were "non-alcoholic," without more, contributed materially to Plaintiffs' and the Class  
9 Members' decisions to purchase the beverages.

10           54. As a result, Plaintiffs and the Class members were harmed when they purchased a  
11 beverage labeled as "non-alcoholic," even though it contained alcohol. Plaintiffs and the Class  
12 Members were deceived into consuming alcohol. Plaintiffs and the Class members did not  
13 receive the benefit of their bargain. Plaintiffs were induced to make a purchase that they would  
14 not have made if they were not misled about the fact that Beck's non-alcoholic beer contains  
15 alcohol.

16           55. Defendant knew, or should have known, that displaying the "non-alcoholic" logo,  
17 without more, was misleading when Defendant made the representation. Defendant understood,  
18 or should have understood, that displaying the "non-alcoholic" logo, without more, would mislead  
19 reasonable consumers into believing that they are consuming a beverage containing no alcohol.

20           56. Plaintiffs have suffered physical and monetary injury in fact as a direct and  
21 proximate result of the violations of the False Advertising Law committed by Defendant as  
22 alleged herein in an amount to be proven at trial but in excess of the minimum jurisdictional  
23 amount of this Court.

24                           **FOURTH CAUSE OF ACTION**

25                           (Violation of the Consumers Legal Remedies Act ("CLRA"),

26   Cal. Civ. Code § 1750, *et seq.*)

27           57. Plaintiffs repeat and incorporate herein by reference each and every allegation  
28 contained in paragraphs 1 through 56, inclusive, of this Complaint as if set forth fully herein.

1           58. Defendant engaged in unfair methods of competition and unfair or deceptive acts  
2 or practices in transactions with Plaintiffs and the Class Members which resulted in the unlawful  
3 sale of malt beverages that contain alcohol to Plaintiffs and the Class Members.

4           59. Plaintiffs and the Class Members purchased beverages for which Defendant  
5 received direct remuneration.

6           60. Defendant engaged in the following unfair and deceptive acts and practices in the  
7 sale of these beverages: (1) Representing that goods or services have sponsorship, approval,  
8 characteristics, ingredients, uses, benefits, or quantities that they do not have; (2) Representing  
9 that goods or services are of a particular standard, quality, or grade, or that goods are of a  
10 particular style or model, if they are of another; (3) Advertising goods or services with intent not  
11 to sell them as advertised; (4) Representing that a transaction confers or involves rights, remedies,  
12 or obligations that it does not have or involve, or that are prohibited by law.

13           61. Plaintiffs and the Class Members relied on Defendant's material representations  
14 that Beck's beer is "non-alcoholic," without any warning that the beverage in fact contains some  
15 alcohol, in purchasing and consuming Beck's beer.

16           62. Defendant had a duty to disclose that Beck's beer contains alcohol. A duty to  
17 disclose exists when the defendant: (1) is in a fiduciary relationship with the plaintiff; (2) has  
18 exclusive knowledge of material facts not known to the plaintiff; (3) actively conceals material  
19 facts from the plaintiff; or (4) makes partial representations but also suppresses some material  
20 fact. *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and*  
21 *Products Liability Litigation*, 754 F.Supp.2d 1145, 1172-73 (C.D. Cal. Nov. 30, 2010). As the  
22 owner, manufacturer, and distributor of Beck's beer, Defendant had superior knowledge  
23 regarding the risks of consuming alcohol, and therefore had a duty to disclose the material fact  
24 that Beck's beer contains alcohol. Defendant had exclusive knowledge of the material fact that  
25 Beck's non-alcoholic beer contains alcohol, a material fact not known to the Plaintiffs. Defendant  
26 made a partial representation that Beck's beer is "non-alcoholic," yet Defendant suppressed the  
27 material fact that Beck's beer in fact contains some alcohol from unsuspecting consumers.  
28 Therefore, Defendant breached its duty to Plaintiffs.



65. Under the special notice requirement of the CLRA, Plaintiffs are required to provide Defendant with written notice at least 30 days prior to the commencement of an action for damages. In satisfaction of this requirement, Plaintiffs will send written notice to Defendants via certified or registered mail contemporaneously with the filing of this Complaint. Plaintiffs will seek to amend the Complaint to seek relief once the requisite 30-day notice period has expired and to state that Plaintiffs gave Defendants proper notice. As further required by the CLRA, concurrently with the filing of this Complaint, Plaintiffs will file an affidavit stating facts showing that this action has been commenced in a county appropriate for the trial of this action.

(Violation of the California Business & Professions Code § 25200)

68. Defendant has violated Section 25200 because it has failed to meet the requirements of federal malt beverage labeling regulations contained in Part 7.71 of Title 27 of the Code of Federal Regulations, in violation of Section 25200(a).

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69. Defendant had an obligation to ensure that the phrase “contains less than 0.5 percent (or .5%) alcohol by volume” appeared in “direct conjunction” with the phrase “non-alcoholic,” in “readily legible printing and on a completely contrasting background” on its Beck’s beer bottles and packages. 27 C.F.R. 7.71(e).

70. Plaintiffs each purchased a package of Beck’s non-alcoholic beverage, which contained the phrase “non-alcoholic,” but which did not contain the statement “contains less than 0.5 percent (or .5%) alcohol by volume.”

71. Defendant’s failure to ensure that the phrase “contains less than 0.5 percent (or .5%) alcohol by volume,” appeared in “direct conjunction” with the phrase “non-alcoholic” in “readily legible printing and on a completely contrasting background” is a violation of 27 C.F.R. 7.71(e), which is a direct violation of the California Business & Professions Code § 25200(a).

72. Plaintiffs and the Class Members relied on Defendant’s representation that Beck’s beer is “non-alcoholic” when they made their purchase. Because Defendant failed to warn Plaintiffs and the Class members that Beck’s beer contains alcohol, and to do so sufficiently, Plaintiffs and the Class Members were deceived into consuming alcohol. Plaintiffs and the Class members did not receive the benefit of their bargain. Plaintiffs were induced to make a purchase that they would not have made if they were not misled about the fact that Beck’s non-alcoholic beer contains alcohol.

73. Plaintiffs have suffered physical and monetary injury in fact as a direct and proximate result of the Defendant’s breach of its obligations under Cal. Bus. & Prof. Code § 25200(a) as alleged herein in an amount to be proven at trial but in excess of the minimum jurisdictional amount of this Court.

#### **SIXTH CAUSE OF ACTION**

(Violation of the Unfair Competition Law (“UCL”),

Cal. Bus. & Prof. Code § 17200, *et seq.*)

74. Plaintiffs repeat and incorporate herein by reference each and every allegation contained in paragraph 1 through 73, inclusive, of this Complaint as if set forth fully herein.

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11/25/2020

1           75. By its actions and conduct as alleged herein, Defendant has committed one or more  
2 acts of unfair competition within the meaning of California Business and Professions Code §  
3 17200 (“UCL”) that constitute unfair, unlawful and/or fraudulent business practices as those  
4 terms are defined under California law.

5           76. Defendant’s business practices are unfair under the UCL because Defendant has  
6 acted in a manner that is immoral, unethical, oppressive, unscrupulous and/or substantially  
7 injurious to Plaintiffs and the Class Members. These business practices, described above, include  
8 creating or causing to be created the “non-alcoholic” logo, placing the false advertisements on  
9 Beck’s beer bottles and packages, and failing to include the phrase “contains less than 0.5 percent  
10 (or .5%) alcohol by volume” in “direct conjunction” with the phrase “non-alcoholic” in “readily  
11 legible printing and on a completely contrasting background” as required by Section 25200. The  
12 false advertisements is substantially injurious because it induces consumers to consume a  
13 beverage containing alcohol when they do not wish to consume alcohol. Additionally, the false  
14 advertisements are substantially injurious because they induce consumers to make purchases that  
15 they would not otherwise make, in expectation of receiving benefits that they do not receive.

16           77. Further, the impact of the practice against Plaintiffs and the Class Members far  
17 outweighs any possible justification or motive on the part of Defendant. The impact on Plaintiffs  
18 and the Class Members has been described. Defendant can have no possible justification for  
19 including a false inducement for consumers to purchase Defendant’s beverages. Plaintiffs and  
20 the Class Members could not reasonably have avoided this injury because they relied on  
21 Defendant’s advertisement as to the quality and characteristics of their beverages, as all  
22 consumers must do.

23           78. Defendant’s business practices are violative of public policy as expressed in the  
24 False Advertising Law, 27 C.F.R. 7.71, and the CLRA. All of these statutes strictly forbid false  
25 advertisement such as Defendant has disseminated and/or caused to be disseminated, and  
26 represent expressions of public policy against this practice.

27           79. Additionally, Defendant’s business practices are unethical, immoral, and  
28 unscrupulous because they induce individuals to unknowingly consume alcohol, which can be

1 harmful for a variety of reasons to many members of the public, including Plaintiff Angiano, who  
2 was breast feeding at the time she consumed Beck's beer and Plaintiff Karpinski, who was is in  
3 recovery from alcoholism when he consumed Beck's beer, as well as the Class Members.

4 80. Defendant's business practices are also unfair because they significantly threaten  
5 or harm competition. Competition is fostered by an environment in which information can be  
6 relied upon, so that consumers can make wise decisions, and so that products which accurately  
7 reflect the consumers' wishes can flourish. While other non-alcoholic beverage manufacturers  
8 adequately label their products to protect the public from unknowingly consuming alcohol,  
9 Defendant misleads consumers into believing that the Beck's beer beverages they purchase and  
10 consume have characteristics and qualities which they do not have, all in order to expand  
11 Defendant's consumer base.

12 81. As shown above, Defendant's business practices are also unlawful because they  
13 violate the False Advertising Law, 27 C.F.R. 7.71, and the CLRA.

14 82. Defendant's business practices are also fraudulent under the UCL because they  
15 constitute representations to the public which are likely to deceive the public. The representation  
16 states that Beck's beer is "non-alcoholic," creating the clear impression that the beverage does  
17 not contain any alcohol, when in fact it does. The public, receiving these representations, is likely  
18 to believe that the beverage in question does not contain any alcohol, and is so deceived.

19 83. Plaintiffs and the Class Members relied on this representation when they  
20 purchased Beck's beer, which they would not have otherwise purchased.

21 84. Plaintiffs have suffered physical and monetary injury in fact as a direct and  
22 proximate result of the acts of unfair competition committed by Defendant as alleged herein in an  
23 amount to be proven at trial but in excess of the minimum jurisdictional amount of this Court.

24 **SEVENTH CAUSE OF ACTION**

25 (Negligence)

26 85. Plaintiffs repeat and incorporate herein by reference each and every allegation  
27 contained in paragraphs 1 through 84, inclusive, of this Complaint as if set forth fully herein.

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89. Plaintiffs have suffered physical and monetary injury in fact as a direct and proximate result of the negligence committed by Defendant as alleged herein in an amount to be proven at trial but in excess of the minimum jurisdictional amount of this Court

WHEREFORE, Plaintiffs, individually and on behalf of the Class, prays for relief as follows:

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**DEMAND FOR JURY TRIAL**

Plaintiffs, on behalf of themselves and all others similarly situated, hereby demand a jury trial for all claims so triable.

Dated: November 24, 2020

WILSHIRE LAW FIRM

By   
Thiago M. Coelho  
Cinela Aziz  
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Proposed Class*

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11/25/2020

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: ['Some Alcohol': Anheuser-Busch InBev Hit with Class Action Over Labeling of 'Non-Alcoholic' Beck's Beer](#)

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