

False Advertising Class Action Says Maker's Mark Whisky is Not "Handmade"

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Two purchasers of Maker's Mark whisky have sued the company, accusing it of falsely advertising the whisky as "handmade". [The lawsuit](#), filed as a putative statewide class action in California, alleges that Maker's Mark "promotes its whisky as being 'Handmade' when in fact Defendant's whisky is manufactured using mechanized and/or automated processes, which involves little to no human supervision, assistance or involvement." The complaint alleges that because consumers generally associate the term "handmade" "with higher quality manufacturing and high-end products" and because "manufacturers charge a premium" for those products, consumers who purchased Maker's Mark whisky were misled to believe that the whisky was of superior quality and overpaid for the product as a result. The plaintiffs bolster their allegation that the manufacturing process is mechanized with photos and images from two YouTube videos of the Maker's Mark [distillery](#) and [factory](#). The class action includes anyone who purchased the product in the last four years and seeks at least \$5 million in damages.

This is one of several false advertising lawsuits filed in the last two years against the food and beverage industry, which reflects a trend toward scrutiny of companies for claims about how their products are made. Just this year alone, a number of similar lawsuits to the one against Maker's Mark were filed. For example, Tito's Handmade Vodka was [sued for false advertising](#) based on its claim of "handmade". Interestingly, the plaintiff in that case cited a *Forbes* article to describe the manufacturing process as mechanized. Additionally, [Templeton Rye was sued](#) in September for advertising its whiskey as "craft" or "small-batch".

Alcohol products are not the only targets of these lawsuits. Two years ago, [Dunkin' Donuts was hit](#) with false advertising complaints filed with the FTC, New York Attorney General, and the Better Business Bureau based on its claims that its bagels are "artisan".

Companies making claims about their products' craftsmanship and manufacturing should be prepared to substantiate and defend those claims, especially if the claims earn them a price premium.