

Jury Awards \$16M in Damages to Dyson in Lanham Act Case Against SharkNinja

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A federal jury in Illinois recently awarded Dyson, Inc. over \$16 million in damages after finding that SharkNinja falsely advertised that its Rotator Powered Lift-Away vacuum was better than Dyson's best-performing vacuum, the DC65. SharkNinja ran ads that claimed that independent testing showed that the Rotator Powered Lift Away vacuum was proven to have "more suction" and "deep-cleans carpets better than Dyson's best vacuum."

The commercial also featured a graph that purported to measure each machine's cleanability, but Dyson alleged that the results were not actually from referenced independent tests but rather internal tests. Dyson further alleged that the tests failed to comply with industry standards for vacuum cleaning testing in the first instance and that SharkNinja effectively rigged the third-party tests by directing the testing company on how to test the machines. The jury found that SharkNinja's advertising of results from unsound tests was an intentional act to mislead consumers and awarded significant damages accordingly.

The case underscores the importance of conducting objective and reliable testing and carefully tailoring ad claims to accurately convey the results of tests. The decision also is striking in terms of the size of the award, particularly as the jury found it appropriate to disgorge nearly all of the \$18 million in profits that SharkNinja made from its vacuum during the time the commercial aired.

Summer associate Vishwani Singh contributed to this post. Ms. Singh is not a practicing attorney and is practicing under the supervision of principals of the firm who are members of the D.C. Bar.