

Extra Foam, Please: Common Sense Prevails and Court Finds that Starbucks Lattes Contain Foam

January 12, 2018 – The TMCA
by Fara Sunderji



Yes, you read the title of this post correctly – Judge Rogers of the Northern District of California granted summary judgement in favor of Starbucks in a proposed class action lawsuit alleging that the coffee company deceived consumers by underfilling lattes and mochas.

The plaintiffs' filed suit alleging common law

breach of express warranty and fraud; violation of California's Consumers Legal Remedies Act; unfair competition and false advertising under California law; unfair trade practices under New York law; and unfair trade practices under Florida law. Plaintiffs' supported their own motion for summary judgement with an expert declaration about cup volumes, measurements taken by plaintiffs of the alleged underfilling, two online surveys about consumer expectations and a detailed, expert analysis of Starbucks' steaming pitchers and recipe cards.

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In the end, common sense prevailed and the court found that “no reasonable consumer would be deceived into believing that Lattes which are made up of espresso, steamed milk, and milk foam contain the Promised Beverage Volume excluding milk foam.” (emphasis in original). Thus, all of plaintiffs’ arguments, which ignored the volume of foam in a Starbucks latte, were rejected by the court.