

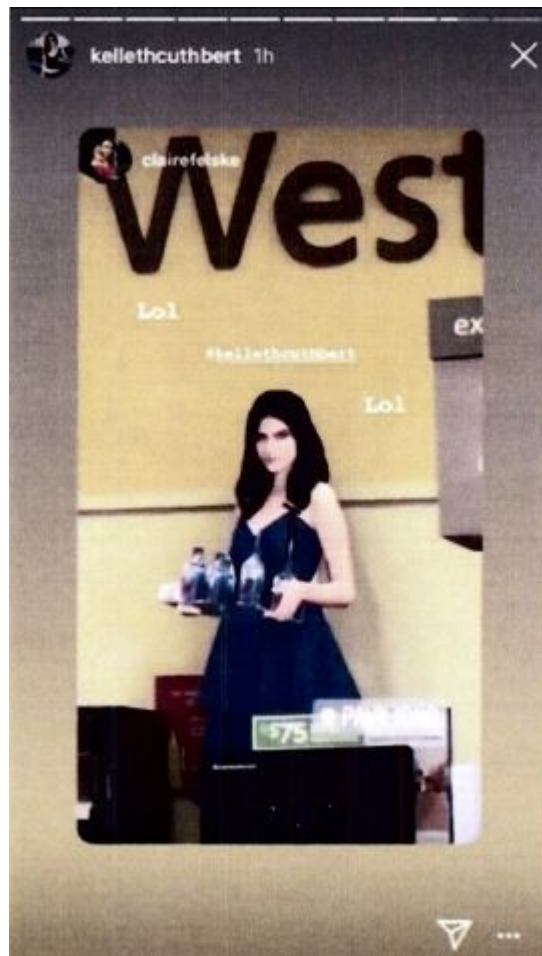
Fiji Water Splashes Back After Getting Sued For Posting a Meme

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by Fara Sunderji

Last week, we blogged about Fiji Water being sued for posting a meme of the Fiji Water Girl and using cardboard cutouts of her image in advertising. Well, Fiji Water is splashing back – They filed a [cross-complaint](#) alleging breach of contract, promissory estoppel and false promise. The facts alleged in the cross-complaint fill in some of the missing details and contradict the allegations from the complaint filed by Ms. Kelly Steinbach, aka the Fiji Water Girl. In fact, the complaint reads much like a soap opera plot line. Contrary to Steinbach's complaint, Fiji Water alleges that it entered into a contract with Steinbach in which she granted Fiji Water the right to use her name, likeness and performance in connection with her acting as a Fiji Water Brand Ambassador. The cross-complaint includes a screenshot of a post from Ms. Steinbach's Instagram account with her standing next to one of the allegedly unauthorized cardboard cutouts and an

Instagram story featuring another of the cutouts. Of course, the post has since been deleted from Steinbach's account and the story is no longer available. What's more, the not so "fake" consulting agreement that Fiji Water alleges Ms. Steinbach signed includes a restriction that Steinbach not authorize the use of her name or likeness in connection with advertising any other food or beverage products for one year. However, additional



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screen shots in the cross-complaint show Steinbach doing just that for a dog food brand and for another bottled water promoting the soap opera *The Bold and the Beautiful*. On information and belief, Fiji Water alleges that Steinbach took the only copy of the signed consulting agreement from its offices and destroyed it! The cross-complaint is full of other dramatic allegations and is worth a read. We'll be following this real live soap opera and will keep you updated.