

CLAIMS OF FALSE ADVERTISING INCREASE



There are a large number of food companies that find themselves overwhelmed by complaints that are made by both the consumers and from the competitor brands who are trying to beat out the competition and win over sales. These complaints from consumers and competitors often claim that the food companies are portraying misleading advertisements. And, many of these food companies are playing a risky game if they advertise for foods with certain words, such as fresh and/or natural in their advertisements. This was the case with the Fresh Del Monte V. Del Monte Foods lawsuit. With the lawsuit, the major issue was the fruit that Del Monte serves in the little containers that are placed on the shelves of aisles in grocery stores. The issue was whether or not Del Monte could call that kind of fruit fresh, since technically it is not so fresh, since it is in a plastic container. The lawsuit questioned whether their advertisements for the fruit were misleading by claiming that it was fresh. The question in the lawsuit was whether or not the presentation of the advertisement was violating the Lanham Act and an agreement made between the separate companies. Fresh Del Monte has the right to sell products while claiming that the products are fresh, even while using the Del Monte name. However, Del Monte Foods could sell cans or plastic containers full with fruits and vegetables, without necessarily making the claims that the products are completely fresh. Both of the companies were blaming one another and pointing the finger at each other. Fresh Del Monte argued that Del Monte could not sell fruit products in plastic containers and call them natural or fresh since they are placed in plastic tubs and are not found naturally, like how they would be found when they are first picked. However, when push came to shove, the federal court jury sided with Fresh Del Monte, believing the Del Monte Foods was misleading its customers by making them believe that fruit that had been cut and place in plastic containers was actually considered fresh. They were then found to be violating the Lanham Act, with false claims in their advertisements. When the lawsuit came to a close, Fresh Del Monte received \$13 million worth of damages. Del Monte is not the only major company that has had to deal with some major issues because of false advertising. There have been several disputes with many major companies, including Kellogg's, General Mills, Wrigley Company, and even Campbell's, over products that they were advertising for with claims that did not necessarily add up and because of their false claims, each of these major companies were sued by different people who were not happy with basically being lied to.