

Katten's Representation of Lance Armstrong in Class Action Suit Noted in Law360

July 10, 2013

In a motion to dismiss filed for Katten client Lance Armstrong, a proposed class action suit in the Central District of California alleges that Armstrong and sports supplement maker The FRS Co. deceptively marketed beverages, chews and powdered drink mixes by linking Armstrong's cycling success with the products, when in fact he was using performance-enhancing drugs. "Plaintiffs allege they bought FRS products and now want their money back — not because there was anything wrong with the products themselves, but because they recently learned that Armstrong used performance enhancing drugs during his cycling career." Even though FRS originally centered its marketing strategy on Armstrong and his seven Tour de France wins, Armstrong maintains that the statements he made about the products were either truthful or non-actionable "puffing." "There is no dispute that FRS' products are proven to provide sustained energy, increased endurance, immune system support and other health benefits," the motion said. Moreover, the reference to FRS products as his "secret weapon" is a "well traveled advertising cliché incapable of supporting any of plaintiffs' claims as a matter of law."

Litigators Zia Modabber, Gregory Korman and Andrew Demko are representing Armstrong in this case. ("[Lance Armstrong, FRS Look to Sink Supplement Class Action](#)," July 8, 2013)

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