

### Katten Obtains Dismissal for Lance Armstrong in False Advertising Suit

March 27, 2014

A federal judge has dismissed a proposed class-action lawsuit filed against FRS and its former endorser Lance Armstrong. A group of FRS energy drink consumers sued Armstrong and FRS for allegedly misleading them into purchasing the product via advertising in which Armstrong claimed the drinks were his “secret weapon.” Judge Beverly Reid O’Connell granted Armstrong and FRS’ motion to dismiss, ruling that the “secret weapon” assertion was puffery and stating that no reasonable consumer would be misled into believing the claim. Los Angeles Litigation and Dispute Resolution head Zia Modabber, who represented Armstrong together with partner Gregory Korman and associate Andrew Demko, commented, “Was it legal opportunism? Was it kicking a guy while he’s down? Whatever it was, the lawsuit was baseless.” ([“Lance Armstrong Wins Dismissal of False-Advertising Suit,”](#) March 24, 2014; [“Armstrong Wins Lawsuit,”](#) February 27, 2014; [“Federal Judge Dismisses False Advertising Lawsuit Against FRS, Armstrong,”](#) February 27, 2014; [“Lance Armstrong Wins Endorsement Lawsuit,”](#) [“Lance Armstrong Beats Supplement Buyers’ False Ad Suit,”](#) February 26, 2014; [“Lance Armstrong Wins Endorsement Lawsuit,”](#) February 26, 2014; [“Armstrong, Supplement Co. Cycle Past False Marketing Suit,”](#) February 26, 2014)

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