The last decade has seen explosive growth in so-called “consumer fraud” class actions and government enforcement actions against providers of consumer goods and services. These actions, typically brought under state statutes prohibiting deceptive practices or false statements in the promotion of consumer goods and services, have become favorites of the plaintiffs’ bar and state attorneys general, and for good reason. The statutes are often extremely broad and far-reaching; successful plaintiffs typically recover not just damages, but their attorneys’ fees and “investigative costs.” The ability to bring such claims as class actions makes these cases attractive to plaintiffs’ attorneys. Consequently, these suits can present serious financial exposure to providers of consumer goods and services. Nilan Johnson Lewis has developed a niche in defending consumer fraud class actions and government investigations, serving as national, regional, and local counsel in defense of numerous consumer fraud cases, involving both private and government claims. We have successfully disposed of a variety of such claims through motions to dismiss and summary judgment; we have successfully tried such claims, and we have resolved claims on terms advantageous to our clients. Here are just a few examples of our work in this area:

- We provide preventative measures advice to product manufacturers regarding their marketing materials, including environmental marketing claims.
- Our attorneys have defended well over 1,000 individual and class cases brought against manufacturers of pharmaceuticals and medical devices alleging violations of state consumer protection and deceptive trade practices statutes. Among others, we represented a global manufacturer of a prescription medication in several consumer fraud class actions alleging that the client improperly promoted the medication; plaintiffs included both the purchasers of the medication and third-party benefit plans.
- We prevailed in a motion to dismiss a complaint (affirmed by the Eighth Circuit) against a manufacturer of oil filters that sought to establish a national class action contending that the manufacturer misrepresented the quality of the filters.
- We successfully defeated class certification of a deceptive trade practices consumer class involving a request for medical monitoring relief from a global medical device manufacturer. In the same action, we succeeded in defeating class certification of 11,000 consumers from different states who claimed violation of consumer fraud statutes.
- NJL has assisted financial institutions in responding to high-profile class investigations commenced by the Minnesota Attorney General who alleged consumer fraud in marketing of credit card services. We also have
worked with for-profit educational institutions in responding to consumer fraud class investigations by the Minnesota Attorney General, and a national manufacturer and installer of in-home smoke detector systems in a lengthy consumer fraud investigation. These investigations concluded with no action being taken, and/or were resolved on terms favorable to our client.

- We represented a travel service provider in connection with consumer fraud claims arising out of the promotion and sale of travel club contracts. The matter was resolved on terms very favorable to the client.
- NJL attorneys represented a global manufacturer against a multitude of claims in various states, including statutory consumer protection and deceptive trade practices claims. In the main lawsuit, which sought over $3 billion in damages, our attorneys obtained summary judgment of all consumer fraud claims based on both statutory and common-law theories.
- We have represented food manufacturers and distributors against consumer fraud claims that their packaging, even though consistent with FDA or USDA requirements, was deceptive and misleading.
- We obtained early dismissal of a consumer fraud class action alleging false marketing statements about child car seats subjected to CPSC recall action.