

Beer Wars are Back: MillerCoors Sues Anheuser-Busch Over "Corngate" 2019

On March 21, 2019, MillerCoors filed a complaint against Anheuser-Busch in Wisconsin federal court over Anheuser-Busch's controversial Bud Light Super Bowl ad (and continuing ad campaign) which dramatically claims Miller Lite and Coors Light contain corn syrup. The media has jokingly dubbed the dispute "Corngate." The complaint, which outlines many years of rivalry between the two breweries and shows various examples of the Bud Light ads, claims the campaign was "designed to frighten customers" and deceive consumers under the guise of "transparency" into thinking MillerCoors products contain high-fructose corn syrup.

MillerCoors admits it does, in fact, employ corn syrup (but not high-fructose corn syrup) in its brewing. But, according to the complaint, no corn syrup actually ends up in the final product the consumer drinks. According to the complaint, Anheuser-Busch "plotted an extensive and pervasive advertising scheme" to capitalize on reported focus group testing which demonstrated "consumers do not understand the difference between ordinary corn syrup" and high-fructose corn syrup, which consumers tend to avoid. MillerCoors alleges that Anheuser-Busch misleads consumers because it failed to disclose: (1) there is no corn syrup in the final Miller Lite or Coors Light product; (2) corn syrup and high-fructose corn syrup are different; and (3) Anheuser-Busch uses corn syrup *and* high-fructose corn syrup in a variety of its products.

MillerCoors' complaint includes claims for false advertising and trademark dilution under the Lanham Act. MillerCoors also seeks a preliminary and permanent injunction to immediately stop the allegedly deceptive ads.

Anheuser-Busch has not yet answered or responded to MillerCoors' complaint or allegations, but will likely do so soon.

MillerCoors has used Anheuser-Busch's advertising campaign to publically educate consumers on the brewing process and the role of corn syrup therein. MillerCoors has also posted on its blog Neilson data showing Bud Light sales declining after the Super Bowl ad.

While comparing products and services in advertising campaigns is perfectly legal when done correctly, companies and marketers should work closely with their

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legal counsel to review any proposed ad campaign that specifically calls out a competitor or a competing product. It should be no surprise that comparative advertising campaigns result in significantly greater competitor lawsuits, and can still attract attention from plaintiff consumer protection lawsuits. Companies should be especially careful to avoid the potential allegations at issue in this lawsuit—that is, just because a statement is literally true, it can still be deceiving and give rise to a competitor or plaintiff lawsuit.

Contact Reinhart's [Advertising, Media and Entertainment Team](#) or [Commercial and Competition Law Group](#) with any questions related to your company's advertising campaigns.

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