

Winston & Strawn Scores Victory in High Fructose Corn Syrup Products Liability Case

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Winston & Strawn successfully obtained a dismissal of a first-of-its-kind products liability suit against clients Archer Daniels Midland Co., Cargil, Tate & Lyle, and Ingredion. The suit received widespread national media attention, including the *Forbes* article "[Demonization By Litigation: Food Ingredient Makers Face Frivolous Charges](#)," and *Law360*'s December 11 article "[2nd Circ. Favors ADM, Cargill In \\$5M Corn Syrup Safety Suit](#)."

The plaintiff alleged that high fructose corn syrup (HFCS) is a man-made "toxin" that is unreasonably dangerous and that consuming foods and beverages containing HFCS caused her to develop type 2 diabetes.

The district court dismissed the suit, finding it failed to state a claim and citing multiple grounds for dismissal. Among other things, the district court ruled that the plaintiff could not invoke the doctrine of market share liability, rarely used as a substitute for proving the responsibility of any individual defendant. The Second Circuit's unanimous three-judge appeals panel ruled a district court judge was correct in dismissing the case for failure to state a claim. Among other things, the Second Circuit affirmed the lower court's refusal to apply the market share liability doctrine.

Forbes described the suit as "the most notorious illustration of how a baseless lawsuit can effectively demonize one disfavored food ingredient."

Steve D'Amore told *Law360* that he and his clients are pleased with the court's decision.

Winston & Strawn's Steve D'Amore, Dan Webb, and Scott Glauberman represented the Winston & Strawn clients in the suit. Mr. D'Amore argued the case in the Second Circuit Court of Appeals.

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