

Seventh Circuit Affirms Denial of Class Certification in Aqua Dots Litigation

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Winston & Strawn served as lead trial counsel in a consumer class action, representing Spin Master Ltd., one of the largest toy manufacturers and distributors in the world, as well as Moose Enterprise Party Ltd., Target Corporation, and Toys “R” Us concerning false representations made on packaging for Aqua Dots, a children’s toy, that was mistakenly made with a chemical that, if swallowed, metabolized into GHB, also known as the date rape drug. This week, the Seventh Circuit affirmed the district court’s decision denying class certification in the case *In re: Aqua Dots*.

In 2007, Aqua Dots received the Toy of the Year Award and was later recalled by the Consumer Product Safety Commission because the Chinese manufacturer switched ingredients unbeknownst to the U.S. distributor and retailers. The district court initially denied class certification because the main relief sought by the named plaintiffs was a refund of the purchase price, which was deemed an effective remedy to all members of the proposed class. The Seventh Circuit affirmed.

Ron Rothstein, partner in the advertising, marketing, and entertainment group at Winston & Strawn, argued the appeal for the defendants.

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