

Weiner Wars? Kraft and Sara Lee Square Off in Business Litigation

By: Rutledge & Yaghmai

www.alabamabusinesslitigationattorney.com

Last week, the country's two biggest hot dog makers argued about the meaning of "100 percent pure beef" and the value of condiments in a business lawsuit over advertising claims about their products. U.S. Magistrate Judge Morton Denlow, who will decide if either company broke false advertising laws, couldn't resist a bit of humor as the trial kicked off, proclaiming, "Let the wiener wars begin."

The business dispute began when Sara Lee filed a lawsuit in 2009, identifying Oscar Mayer ads that boast its dogs beat Ball Park franks in a national taste test. Leighton argued the tests were deeply flawed, noting, for example, that the hot dogs were presented to participants without buns or any condiments, such as ketchup.

"They were served boiled hot dogs on a white paper plate," he told Denlow. As a result, Leighton said, Sara Lee's hot dogs may well have tasted too salty or smoky when consumed sans buns. In addition, he pointed out that the test barred anyone who ever worked in a factory from taking the test. "You may be excluding blue-collar workers," he said. "And they're big hot-dog eaters."

Meanwhile, Kraft argues that Sara Lee has also violated advertising law. The company filed a countersuit later in 2009, accusing Sara Lee of running ads for Ball Parks with the tagline "America's Best Franks" based on an award from ChefsBest, a food-judging organization based in San Francisco.

Another issue of contention is Kraft's claim that its Oscar Mayer Jumbo Beef Franks are "100 percent pure beef." Sara Lee says the claim is untrue and that it reflects poorly on Ball Park franks and damaged their sales.

But Kraft's attorney, Stephen O'Neil, told the judge the 100 percent beef tag was never intended to suggest there weren't other ingredients, including water, salt and various spices. It was only meant to convey that the meat that was used was all beef, and counter consumer beliefs that hot dogs contain dubious "mysterious meats," he stated.

He further argued that it defied common sense to argue that consumers might take the label as meaning that the one and only ingredient was beef.

"If there was nothing but beef, it wouldn't be a hot dog," he said, "It would be a hamburger."

About Rutledge & Yaghmai

<http://rylaw.net/>

Rutledge & Yaghmai (R & Y) is a full service litigation firm that offers more than fiftyseven years of diverse legal experience. Formed in 2006, Rutledge & Yaghmai concentrates on giving each case individual attention as opposed to carrying a mass a number of cases. That way they are able to develop a lifelong relationship with clients.

William Rutledge

William Eugene Rutledge graduated from the University of Alabama in 1960. He graduated from the University of Alabama Law School 1966. Mr. Rutledge served as a Captain in the Judge Advocate General's Corps, U.S. Army and as Chief of Military Justice at Fort Bliss, Texas. He was trial counsel for the United States where he prosecuted several nationally publicized court marshalls. He was the recipient of the Distinguished Service Medal for his trial work in the Army.

He began the practice of law in Birmingham, AL on August 1, 1966. His early trial practice was a mixture of business litigation and railroad related litigation. He has a strong appellate practice in which he has excelled since the early 1970s and continues that practice till the present time. He has handled over 100 cases in the state appellate system and 80 cases in the federal appellate system.

He specialized through the years of his practice in business formations. He has assisted new entrepreneurs in the formation and strategy of their businesses. Also, he represents companies in business litigation. Cases have ranged from business disputes among members to representing smaller companies against the "larger corporations." Practice memberships include the Bar of the Alabama Supreme Court, the United States District Court for the Northern, Middle and Southern Districts, the United States Court of Appeals for the Eleventh Circuit, and the Supreme Court of the United States. He is married to Sherry Crittenden Rutledge and has four children and six grandchildren.

Greg Yaghmai

Greg graduated with honors from The Citadel where he received his bachelor's degree in Business Administration. In 1997, he received his law degree from Cumberland School of Law.

For the first four and half of years of his legal career, Greg served as a Deputy District Attorney for the Jefferson County, Alabama District Attorney's Office. By age 26 he tried

his first death penalty case. He went on to try either solo or as lead counsel seven capital murder and six murder cases. He also had the benefit of being the first lawyer in Alabama to be certified by the Alabama State Troopers as a Traffic Homicide investigator. He obtained this after attending a two-week seminar, which required him to live in a closed military base with forty other police officers. He also had the unique experience of being provided alcohol in a controlled setting so he could be utilized by the Jefferson County Sheriff's training academy in officers learning how to administer field sobriety tests. He is a member of the National College for DUI Defense (NCDD) which is a prestigious organization defending those charged with DUI.

He subsequently left the DA's office to become a partner in a forty lawyer civil litigation firm. This firm concentrated mostly on civil defense work, but Greg continued to expand his plaintiff and criminal defense practice.

In 2006, he co-founded Rutledge & Yaghmai. One of Greg's goals was to reduce the number of cases handled to allow for more individual attention to each case. Rutledge & Yaghmai maintains a general litigation practice. Greg focuses on personal injury, business litigation, and criminal defense cases.

Greg has truly handled cases from all sides: criminal prosecution/defense and civil plaintiff/defense. Overall, Greg has tried more than seventy-five jury trials to conclusion. He has significant experience in using visual presentations and present day media applications in presenting cases to jury. His ultimate jury consultant is his wife, Brandi, who he met when she served on the jury of a rape/kidnapping case he tried.

He has recently been asked to teach Trial Techniques for the International Web based site Solo Practice University. There he will share his expertise in trying jury cases.

Greg is licensed in all state and federal courts in Alabama and the 11th Circuit