



→ Abby Meyer

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Abby Meyer is a partner in the Business Trial Practice Group and the co-lead for the firm's Food and Beverage team. A seasoned litigator, she specializes in defending against consumer class actions targeting the food industry and in litigating complex civil business disputes.

Areas of Practice

Consumer Class Action Defense & Related Advice Work

Ms. Meyer specializes in defending companies against consumer class actions targeting product information found on the labels of packaged goods or associated advertising materials. For instance, she has defended claims such as "natural," "vanilla," "Made in USA," "flushable," and sustainability claims. She has also defended against alleged slack fill, underfill, Proposition 65, and health halo class actions.

She has successfully resolved disputes at the demand letter phase, opposed motions for class certification, and brought motions for summary judgment of the purported plaintiffs' claims.

Because other kinds of consumer packaged goods (beyond foods and beverages) may also use "natural," or sustainability-related claims, Ms. Meyer is able to help these companies as well. Ms. Meyer's clients have included cosmetics and retail brands.

Based on her experience litigating over a dozen of these actions and her authorship on related topics, Ms. Meyer also advises companies on whether their product labels are compliant with FDA regulations and other law (such as the FTC Green Guides and parallel state laws). Her goal is to help clients avoid litigation in the first instance.

In addition to the Food and Beverage team, Ms. Meyer is a member of the firm's Class Action Defense, ESG, Cannabis and Retail teams.

Complex Civil Litigation

Ms. Meyer has long represented companies facing business disputes, such as in the vendor/supplier, licensor/licensee, and reseller contexts. She also represents companies in real estate related litigation and breach of contract actions. In the complex civil litigation arena, Ms. Meyer both brings and defends actions on behalf of her clients.

Ms. Meyer has defended against multi-party, multi-year litigation. She recognizes that continuing this kind of litigation is not always a smart business decision and looks to partner with her clients to understand their business, their goals, and to align litigation strategy accordingly. Her goal is to give legal advice that also helps her clients achieve their business objectives.

Ms. Meyer handles all aspects of litigation, from early resolution, to case filing, to trial, and appellate practice. She handles cases in both state and federal court, and also in the arbitration context.

In addition to her legal practice, Ms. Meyer is an advocate for women and parents. She co-chairs the firm's OC Families group which serves as a resource for the parents in the Orange County office. She previously served as co-chair of the Orange County Bar Association's Mommy Esquire committee and served for several years as a director of the board for the Orange County Women Lawyers Association.

Honors

Ones to Watch – Construction Law, *Best Lawyers*, 2021-2023

Southern California Rising Star, *Super Lawyers*, 2020-2022

Experience

- Represented a beverage manufacturer during a three-day bench trial on whether consumption of the beverage exposed consumers to a Prop 65 chemical. The judge found that the plaintiffs did not establish a prima facie case of exposure.
- Following scorched-earth litigation related to an easement and involving seven parties, drafted, argued and won summary adjudication of all claims against our client, ending our client's involvement in the matter; argued and affirmed on appeal (*Rickley v. Gulf Oil Corp.*, 2021 Cal. App. Unpub. LEXIS 1307).
- Represented beverage retailer in false advertising class action. Prevailed on motion for summary judgment.
- Represented specialty foods manufacturer in false advertising class action. Prevailed on motion to dismiss.
- Obtained a complete defense verdict for a financial institute following a downtown Los Angeles jury trial in a wrongful foreclosure action.

Articles

- Substantiating 'Green' Marketing Claims
Food Manufacturing, 04.02.2023
- Sow What Now? Part 2: CDFA Finalizes Animal Confinement Regulations Amid a Hamful of Legal Challenges
Food Manufacturing, 01.04.2023
- PFAS and food packaging: Regulatory changes create ripple effects for PFAs-related litigation
Food Navigator-USA.com, 11.14.2022
- What California's Farm Animal Confinement Law Means For Your Business
Food Manufacturing, 11.29.2021
- The Future of Food? CRISPR-Edited Agriculture
Food and Drug Law Institute, Winter 2021

- GUEST ARTICLE: Made in America... A guide to avoiding legal hot water with origin claims
Food Navigator USA, 08.02.2021
- Trade secrets...How do you protect recipes and product formulations?
Food Navigator, 07.07.2021
- 9th Circ. Clarifies What Consumers Must Read On Labels
Law360, 01.21.2021
- The Scoop on All that Vanilla Flavor Litigation
Food Navigator, 01.13.2021
- No Reason to Blush
Happi, 08.03.2020
- FDA In Review – Highlights for Food and Other FDA-Regulated Companies
Association of National Advertisers, 11.2019

Class Action Defense Strategy Blog Posts

- "FDA Boosts Protein Preemption Defense," February 16, 2022
- "Are Flavor Cases Fizzling? Two More Courts Grant Motions to Dismiss," November 15, 2021
- "It's Not Pop Secret, Ninth Circuit Affirms that Plaintiff Didn't Have a Leg to Stand On," December 10, 2020
- "Avoiding Formation Challenges To Your Arbitration Clause With Consumers," July 20, 2020
- "Questions To Ask When Changing Your Arbitration Clause," June 29, 2020
- "An Arbitration Clause Health Check," June 22, 2020
- "'Happy Cows' False Labeling Theory is Just 'Half Baked': Court Dismisses False Advertising Claims Against Ben & Jerry's," May 12, 2020
- "CBD Industry Beware: The False Labeling Class Action Has Arrived," September 30, 2019
- "Spate of Recent False Advertising Class Actions Take On Animal Treatment Label Claims," August 19, 2019
- "Lack of Standing Dooms Organizational Plaintiffs' False Advertising Claims; Such a Challenge Can Be Brought at Any Time," August 5, 2019
- "Ninth Circuit Confirms Plaintiffs Are Not Required to Undermine Defendant's Evidence to Withstand Summary Judgment in False Labeling Class Actions," January 14, 2019
- "'I'll Be Back;' Ninth Circuit Gives Arnold Schwarzenegger-Branded Supplement Purchasers Another Shot to Pursue UCL, FAL, CLRA and Warranty Claims," October 18, 2018
- "Are credits coupons? The Ninth Circuit Says Yes in Calculating Total Value of Class Action Settlements," October 17, 2018
- "Ninth Circuit Confirms that Class Action Plaintiffs Must Plausibly Establish Future Intent To Re-Purchase To Maintain Claims for Injunctive Relief," June 26, 2018
- "Seventh Circuit Holds Footlong Settlement Falls Short," September 20, 2017

FDA Law Blog Posts

- "'Dietary Guidance Statements' in Food Labeling: What You Need to Know About FDA's Latest Draft Guidance for the Food Industry," April 11, 2023

- "Comment Period for "Healthy" Regulations Extended; But Consumer Class Actions Targeting "Health Halos" May Continue," December 20, 2022

Healthcare Law Blog Posts

- "HIMSS19 Kicks-Off Addressing Leading Topics in Healthcare Information Technology," February 13, 2019

Real Estate, Land Use & Environmental Law Blog Posts

- "PFAS and Food Packaging: Regulatory Changes Create Ripple Effects for PFAs-Related Litigation," November 16, 2022

Retail Law Blog Posts

- "New California Bill Seeks to Eliminate Certain Food Additives," April 11, 2023
- "California's Toxic-Free Cosmetics Act Bans 24 Ingredients From Cosmetic Products," March 21, 2023
- "Sow What Now?: Cal. Hispanic Chambers of Commerce et. al. v. Ross et. al., The U.S. Supreme Court, and California's Proposition 12," April 18, 2022

Media Mentions

Is it actually illegal to sell an item labeled, "Not for retail sale"?

Marketplace.org, 01.27.2023

Food & Beverage Cases To Watch In 2023

Law360, 01.02.2023

What California's Farm Animal Confinement Law Means For Your Business

Food Manufacturing, 11.29.2021

Law360's Weekly Verdict: Legal Lions & Lambs

Law360, 01.12.2018

Starbucks Wins Toss Of Underfilled Latte Class Action

Law360, 01.05.2018

Speaking Engagements

- Speaker, "PM Plenary: Nutrition," American Intellectual Property Law Association, February 2, 2023
- Speaker, "Class Action Developments in Flavors, Geographic Origin Claims, and More," Food Advertising, Labeling, and Litigation Conference: For the Food and Dietary Supplement Industries, September 28, 2021
- Speaker, "The Evolving Reasonable Consumer Standard, Developments in Preemption, and Other Litigation Trends," Food Advertising, Labeling, and Litigation Conference, September 22, 2020
- Speaker, "Plastic and Single-Use Legislation and Litigation," 10th Annual Food, Beverage, and Supplements Virtual Regional CLE Program, May 25, 2021

Events

Careful What You Say: The Latest in False Advertising Litigation
Class Action Threats in 2023 and Beyond - A Webinar Series
Webinar, 07.25.2023

Class Action Threats in 2023 And Beyond - A Webinar Series
Webinar Series, 2023

3rd Annual Ad Law Symposium
Webinar, 05.16.2023

Beyond Healthy: What the Industry Needs to Know About FDA's Proposed Healthy Regulations & Related
Litigation Risks
Webinar, 11.02.2022

PFAS & Consumer Products: Navigating Evolving Liability & Litigation
Presented by Sheppard Mullin and Ramboll
Webinar, 06.23.2022

Author Happy Hour: The Future of Food? CRISPR-Edited Agriculture
04.26.2022

Food Advertising, Labeling, and Litigation Conference: *For the Food and Dietary Supplement Industries*
Virtual, 09.28.2021

Plastic and Single-Use Legislation and Litigation
10th Annual Food, Beverage, and Supplements Virtual Regional CLE Program
05.25.2021

Product Labeling & Advertising Claims Check-Up
Webinar, 10.14.2020

Food Advertising, Labeling, and Litigation Conference: *For the Food and Dietary Supplement Industries*
FDLI Virtual Event
September 22-24, 2020

Memberships

Member, Food & Drug Law Institute California Programs Planning Committee

Member, Orange County Bar Association

Co-Chair, Orange County Bar Association's Mommy Esquire Committee

Past Member of Board of Directors, Orange County Women Lawyers Association

Podcasts & Webinars

Third Annual Ad Law Symposium
05.16.2023

Beyond Healthy: What the Industry Needs to Know About FDA's Proposed Healthy Regulations & Related Litigation Risks
11.02.2022

Product Labeling & Advertising Claims Check-Up Webinar
10.14.2020

Class Action Threats Facing the Consumer Finance Industry in the Age of COVID
06.25.2020

Practices

Litigation

Class Action Defense

ESG and Sustainability

Industries

Cannabis

Energy, Infrastructure and Project Finance

ESG and Sustainability

Food and Beverage

Healthcare

Retail, Fashion & Beauty

Education

J.D., University of California, Los Angeles, 2013

B.A., Cinema-Television (Critical Studies), University of Southern California, 2007, *magna cum laude*

B.A., University of Southern California, 2007, *magna cum laude*

Clerkships

Prior to working at Sheppard Mullin, Mrs. Meyer worked for the Honorable Andrew J. Wistrich of the U.S. District Court for the Central District of California as an extern in 2011.

Admissions

California

U.S. District Court for the Central District of California

U.S. District Court for the Northern District of California

U.S. District Court for the Southern District of California

Ninth Circuit Court of Appeals