



## 'What's On The Menu' Investigation: UPDATE Lawsuit Filed

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(Scott Olson, Getty Images News)

A 27-page lawsuit charges Applebees, its parent company and Weight Watchers with teaming up, making low-fat claims and in some cases, selling meals loaded with fat and calories.

This follows a 9 News investigation six months ago. Working with Scripps Television stations in seven different cities, we bought and tested seven meals claiming to be low in fat and calories from Applebees' famous Weight Watchers' Menu.

[See the results from our "What's On The Menu" Investigation](#)

The calorie difference was slight, but the fat was over on

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every item we tested, doubling and even tripling in three of the meals.

That is why a Washington, D.C. law firm filed the class action suit on behalf of consumers across the country.

"This is not about: Applebees made someone fat or unhealthy. This lawsuit is really about the false advertising," said attorney Alyson Foster.

They claim entrées on Applebee's special Weight Watchers section are listed as "healthy menus" but often "inaccurately represent the caloric and fat content of the food at issue."

"It's sort of a betrayal," added Foster. "It's taking advantage of people who want to pay attention to their health and instead selling them something that's going to hurt them."

Weight Watchers says they "don't comment on current litigation".

While an Applebees spokesman told us, "We take claims about our Weight Watchers menu seriously. We believe variation between listed and actual food nutritional content is inevitable ... we are reviewing the claims, but we don't think they have merit."

Last May, we went undercover inside some of the most popular restaurants and put their diet menus under the microscope.

Following our labs instructions, we put the food in Ziploc bags, labeled it, put it on ice, and sent it overnight to EPA-certified Analytical Laboratories in Boise, Idaho.

Test results showed the Cajun Lime Tilapia had twice the amount of fat claimed. It should have 6 grams but our lab found 12.

The Garlic Herb Chicken should have 6 grams of fat but tested three times that at 18 grams of fat.

The Nutrition Council's Lauren Niemes wasn't surprised by our test results. She says a little human error can lead to a lot of extra calories.

Her example --- this one tablespoon of oil poured into a recipe can add as much as 150 calories.

"If you don't have control over what you're eating, if you're not actually preparing it, then you really don't have a good idea of how many calories you're taking in. You're putting your health in the control of other people's

hands," said Niemes.

Anyone who ordered items from the Applebees/Weight Watchers menu since September 2004 could be part of this class action lawsuit.

To make a claim, please contact [Tara Kelly](#) with Gilbert Oshinsky, LLP or call her directly at (202) 772-3969.

**[Click Here to read the Initial Complaint \(.pdf\).](#)**      **[Click Here to read Applebee's Response \(.pdf\).](#)**



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