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Monday, September 15, 2008

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D.C. law firm sues Applebee's, Weight Watchers

Los Angeles Business from bizjournals - by [Tierney Plumb](#) of the Washington Business Journal

A Washington, D.C., firm claims the Weight Watchers menu at Applebee's was not as healthy as diners were led to believe.

The lawsuit, s filed in U.S. District Court in Kansas, names Lenexa, Kan.-based Applebee's International Inc., its corporate parent Glendale-based [DineEquity Inc.](#) (NYSE: DIN) and New York-based [Weight Watchers Inc.](#) as defendants. The suit was filed on behalf of all customers who purchased meals from the Applebee's Weight Watchers menu since its inception in May 2004.

"It's not a health case of increased cholesterol or body weight. It's a false advertisement and false product case," said Alyson Foster, associate at D.C.-based Gilbert Randolph LLP, which filed the suit on behalf of Antonio Valiente, a Bethesda resident and the named plaintiff in the case who has eaten off of the menu for years.

While it is too early to tell how damages would be measured, Foster said one option is that Applebee's and Weight Watchers would pay back profits made off of the sold menu items.

DineEquity said Applebees does "not believe the suit has merit" and it would not comment further on pending litigation.

Its eight-item Weight Watchers menu lists the total calories and fat and fiber content of each dish and the number of points every item is worth in the Weight Watchers program. Items have included onion soup au gratin, grilled shrimp skewer salad and berry lemon cheesecake.

In April an independent laboratory tested the fat and calorie count in various Weight Watchers menus at Applebee's across the U.S., according to the complaint, and found that many dishes contain up to three times the amount of fat and more calories than advertised.

"All of these companies appear to be taking advantage of customers who pay attention to nutritional information when they eat at restaurants," said August Matteis, a Gilbert Randolph attorney for Valiente.

The lawsuit alleges claims under Kansas consumer protection law and the federal Racketeer Influenced and Corrupt Organizations Act. It seeks classwide damages and injunctive relief.

DineEquity franchises and operates more than 3,300 Applebee's and IHOP restaurants.

Gilbert Randolph is working on the case with Bartimus, Frickleton, Robertson & Gorny PC, SimmonsCooper LLC, and Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP.

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