

## Notable Ruling: D.C. Superior Court Issues Ruling on Standing Under DCCPPA

In an [Order](#) issued earlier this week, the D.C. Superior Court entered an important ruling on the District's Consumer Protection Procedures Act (DCCPPA). While the ruling ultimately found that the plaintiffs in the suit had standing, it substantially trimmed the theories upon which that standing was grounded. In *Praxis Project et al. v. The Coca-Cola Company*, two individuals and a non-profit organization lodged suit against the beverage manufacturer alleging that the manufacturer had made false, deceptive, and misleading representations about its sugar-sweetened beverages in violation of the DCCPPA. Among other things, the Plaintiffs alleged they had standing to lodge the suit based on the DCCPPA's unique standing provisions. The individual and organizational plaintiffs in *Praxis Project* each relied on multiple theories in alleging that they had standing to bring their suit. The individual plaintiffs claimed standing under the DCCPPA's standing provisions (A) and (B), and the organizational plaintiff claimed standing under sections (A), (C), and (D).

(A) A consumer may bring an action seeking relief from the use of a trade practice in violation of a law of the District.

(B) An individual may, on behalf of that individual, or on behalf of both the individual and the general public, bring an action seeking relief from the use of a trade practice in violation of a law of the District when that trade practice involves consumer goods or services that the individual purchased or received in order to test or evaluate qualities pertaining to use for personal, household, or family purposes.

(C) A nonprofit organization may, on behalf of itself or any of its members, or on any such behalf and on behalf of the general public, bring an action seeking relief from the use of a trade practice in violation of a law of the District, including a violation involving consumer goods or services that the organization purchased or received in order to test or evaluate qualities pertaining to use for personal, household, or family purposes.

(D)

(i) Subject to sub-subparagraph (ii) of this subparagraph, a public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such trade practice.

(ii) An action brought under sub-subparagraph (i) of this subparagraph shall be dismissed if the court determines that the public interest organization does not have sufficient nexus to the interests involved of the consumer or class to adequately represent those interests.

[D.C. Code § 28-3905\(k\)\(1\)](#). In its [Order](#), the Court was generally critical of standing under the non-profit and public interest organization provisions of the DCCPPA, noted above as parts (C) and (D). Nonetheless, the Court ultimately found that at least one of the individual plaintiffs had standing on the basis of alleged reliance on the purported misrepresentations under section (A). The Court found that because at least of the plaintiffs had standing "the Court need not consider the standing of the other plaintiffs." Order at 22. The case is case number 2017 CA 004801 in D.C. Superior Court, and the Order is available [here](#).

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