Kwikset Corp. vs. S.C. (Benson),

Year: 2008
Court: California Supreme Court
Case Number: S171845

Petition for Review: Under Kwikset the courts will not be open to challenge a falsely advertised product unless the plaintiff also alleges and proves a defect in the product, or that cheaper alternatives were available, or that the product was not “worth” what the consumer paid. This has nothing to do with standing as that concept is usually understood (meaning a sufficiently concrete and direct interest). Moreover, the Kwikset court’s stringent requirements are difficult enough to prove with evidence, much less to allege at the pleading stage, before discovery, when standing is often determined. If Kwikset is the law, the negative impact on California’s false advertising prohibitions will be substantial.

This petition was prepared pro bono for United Policyholders by Pamela Gilbert

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