

Publisher: American Bar Association
February 3, 2025

Searching for the "Reasonable Consumer": A Survey of Deceptive Labeling Claims in the Second and Ninth Circuits

Day Pitney Commercial Litigation Partner Kevin Duffy authored an article for the *American Bar Association* titled, "Searching for the 'Reasonable Consumer': A Survey of Deceptive Labeling Claims in the Second and Ninth Circuits."

The article analyzes the evolving "reasonable consumer" standard in deceptive labeling cases, focusing on the Second Circuit's challenges in defining and applying this standard since *Mantikas v. Kellogg Co.* It contrasts these inconsistencies with the Ninth Circuit's more structured and predictable approach, particularly regarding the role of back-label disclosures in consumer deception claims.

[Read the full article here.](#)

Authors



Kevin J. Duffy

Partner

Parsippany, NJ | (973) 966-8081

kduffy@daypitney.com

