

Out of Alignment: Sixth Circuit Affirms Class Certification in Probiotics Case

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A recent Sixth Circuit decision that affirmed certification of a multi-state consumer class action asserting false advertising claims concerning Align – a Proctor & Gamble probiotic product promising digestive health benefits – has left us with an uneasy feeling in the pit of our stomachs. In *Rikos v. P&G*, the judge writing the opinion of the Court in a split decision (with one concurrence and one dissent) found that the class plaintiffs had shown commonality and typicality, despite the fact that unrebutted evidence tended to show that the product actually worked as advertised for a subset of the class... [Continue](#)

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