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Monster Beverage Corporation Responds In San Francisco Case

CORONA, Calif., Dec. 18, 2013 /PRNewswire/ -- *Monster Beverage Corporation (NASDAQ:MNST) ("Monster") issued the following statement in response to a press release issued by San Francisco City Attorney Dennis Herrera:*

"In dismissing the action brought by Monster Beverage Corporation, Judge Phillips found that Mr. Herrera's lawsuit was not entirely preempted by federal law and that the lawsuit filed by the San Francisco City Attorney in state court would be permitted to proceed.

"However, on three occasions, Judge Phillips considered whether the sale of Monster Energy drinks comply with CA consumer protection laws:

- "In Fisher v. Monster, a consumer class action, Judge Phillips twice issued orders dismissing the claims, finding that they were preempted, subject to the primary jurisdiction of the FDA, and otherwise not actionable.
- "In Monster v. Herrera, Judge Phillips again agreed with Monster that challenges to the safety of its energy drinks are preempted and subject to the primary jurisdiction of the FDA.

"We believe those orders remain persuasive authority.

"Monster is confident that the California state court will find in due course as that litigation proceeds, as Judge Phillips did in Fisher and in denying Herrera's challenge to the merits of Monster's lawsuit, that all claims regarding the safety of its products are preempted and subject to the FDA's primary jurisdiction.

"Monster is also confident that the state court will find, as Judge Phillips did in Fisher, that the slogans on its cans are not actionable and, even if they were, that a substantial body of scientific literature validates the performance enhancing features of Monster's energy drinks.

"Millions of Monster Energy Drinks are safely consumed every day. Monster is confident that Monster Energy Drinks are safe."

SOURCE Monster Beverage Corporation

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