

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Stella Khaimova, individually and on behalf of  
all others similarly situated,

Plaintiff,

- against -

Anheuser-Busch, LLC,

Defendant

1:21-cv-05268

Class Action Complaint

Jury Trial Demanded

Plaintiff alleges upon information and belief, except for allegations pertaining to plaintiff, which are based on personal knowledge:

1. Anheuser-Busch, LLC (“defendant”) manufactures, labels, markets, and sells “Platinum Hard Seltzer – Made With Agave,” under the Bud Light brand (“Product”), in various fruit flavors.



MADE WITH AGAVE

2. The relevant front of the box representations include “Platinum Seltzer,” “Made With Agave,” “8% ALC/VOL,” and a glass of clear liquid surrounded by various fruits.



3. In digital and print media, the Product is further advertised as “Made For The Night.”



4. The representations are misleading because they give consumers the impression the Product contains a more valued type of agave ingredients than it does.

## I. AGAVE

5. Agave is a “perennial succulent often mistaken for cactus.”
6. The Aztecs considered agave sacred and used all parts of this plant.
7. Its uses included food and shelter, “its flesh eaten and leaves dried and woven into clothing, floor mats, and thatch roofs.”
8. Before it was distilled into tequila, “it was fermented into a kind of beer imbibed during religious ceremonies as a way to communicate with the gods.”
9. Agave refers to the family *Asparagaceae*, native to arid and semiarid regions of the Americas, particularly Mexico.



10. The genus contains a number of economically important species, especially those required for the production of mezcal liquors.
11. Most producers are small family operations distilling the agave that grows wild in their part of the country and distributing it to their local community.
12. Distillation of agave dates to the 17th century.

13. Tequila is traditionally made by steaming agave in brick ovens and crushing it using a mechanical shredder.

14. The juices are then collected and fermented naturally in open wooden tanks, then distilled twice in copper pot stills.

15. All 100% blue agave tequila must be made from the *A. tequilana* “Weber's Blue” agave plant, to rigorous specifications and only in certain Mexican states

16. The price of blue Weber agave fluctuates dramatically.

17. It is costly and time-consuming to farm, taking seven years to reach maturity.

18. Agave crops can also be negatively impacted by bad weather, which has increased due to global warming.

19. Agave-specific diseases can also decimate an agave crop.

20. In 2001, the Mexican government and European Union agreed upon the classification of tequila and its categories.

## II. TEQUILA PREMIUMIZATION

21. Numerous tequila brands started or associated with celebrities have been a big factor in the growth of tequila.

22. Their vast social media networks allow them to be real-time influencers for the brand, while allowing them to interact with their consumers and followers.

23. US consumption of tequila has risen by more than 30% between 2015 and 2020, with premium-and-above products up by over 60%.

24. Most brands have focused on premiumization, through age statements, a second filtration through the cristalino process, single barrel, bourbon barrel aging, 100% organic offerings, single-estate products, and 110-proof offerings.

### III. POPULARITY OF TEQUILA INCREASES DEMAND FOR ALL THINGS AGAVE

25. The increase in awareness and knowledge of tequila has led to a greater demand for other agave spirits.

26. Agave spirits are the fastest growing category in the US, and increased c. 20% in 2020, twice as much as bourbon, the second highest.

27. In 2020, the volume of agave spirits surpassed the rum and bourbon (whiskey) categories.

28. Agave spirits are the third largest spirits category in the US in terms of sales, behind vodka and whisky.

29. Demand for agave spirits cuts across age groups and genders, due to several factors.

30. First, it is overtly plant-based, and seen as being a “clean” and “light” spirit, creating a “better for you” perception among consumers.

31. Second, agave spirits appeal to consumers because of their Mexican origin, seen as “exotic” by consumers.

32. Third, the absence of industrial farming methods taps into consumer desire for authenticity, as seen in the image below of Mexican farmers harvesting their agave crops.



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