

A Winthrop & Weinstine blog dedicated to bridging the gap between legal & marketing types.

[When Silence is False](#)

August 23, 2011 by [Susan Perera](#)

Most false advertising claims originate from an advertising statement. (For example, see [Dan's post](#) last week on Sam Adam's bottle cap advertising). However, a recent suit alleges false advertising based on what wasn't said.

Yesterday, [Terry Baynes](#) at Thompson Reuters reported on an attorney who has filed suit against Chipotle for its lack of statements. Apparently, Chipotle's pinto beans are made with bacon, a surprise to this legally minded vegetarian who is asserting fraud and false advertising due to Chipotle's lack of disclosure. An interesting development in light of Chipotle's "Food with Integrity" campaign.

Do you agree with the allegation in this suit, namely, that Chipotle's consumers believe pinto beans do not contain pork products (less an affirmative statement to the alternative)?

There seems to be at least some [opinion online](#) that Chipotle's menu boards should have clarified this fact. However, in my opinion, Chipotle's menu has always lacked verbiage in favor of simplicity and a visual "point at your favorite ingredient" method of ordering.

As you can see from this shot of Chipotle's website, advertising online has at least been updated to clarify this bacon blunder, I'll be checking out the boards at my local establishment sometime soon.



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