
Hale and Dorr Client Harve Benard Cleared in Alleged Mislabeling Case

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Members of Hale and Dorr's Litigation Department recently won a four year old case on behalf of women's clothing manufacturer Harve Benard. In January, 1996, Harve Benard was sued in the United States District Court for the District of Massachusetts by the Cashmere & Camel Hair Manufacturers Institute ("CCMI") and L.W. Packard & Company ("Packard") for allegedly mislabeling cashmere-blend ladies' blazers. Specifically, the plaintiffs alleged that Harve Benard's garments, labeled as containing 10% cashmere, in fact contained no cashmere. Plaintiff CCMI sought preliminary and permanent injunctive relief, while plaintiff Packard sought damages.

Hale and Dorr, in conjunction with PriceWaterhouse, established a comprehensive testing program for Harve Benard's garments. Discovery in the case focused on the various methodologies used to differentiate wool from cashmere and on the plaintiff's strained damages theories. After the close of fact and expert discovery, Hale and Dorr moved for summary judgment on all of the plaintiff's claims. The Magistrate found that Packard's damages claims were "speculative", "severely flawed", and "utterly" without evidentiary support, and recommended Packard's dismissal from the case, which the district court later approved. CCMI, facing a trial in which Harve Benard had hundreds of tests from reputable testers proving the accuracy of their labeling, eventually opted to drop its claims against Harve Benard.

Litigators involved in this case included Bill Lee, David Bassett, Michael Summersgill, and Colleen Dunham.