

Food for Thought: Federal Court Says Subway's Sandwiches Must Measure Up

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A federal court judge from the Eastern District of Wisconsin gave [preliminary approval](#) to a settlement of the consumer class action lawsuit alleging that Subway deceptively and fraudulently advertised and sold “six-inch and foot-long” sandwiches. Essentially, plaintiff argued that the sandwiches didn’t “measure up” and therefore Subway was liable for shorting its customers. Subway agreed to implement quality control measures that will ensure that the bread used in sandwiches sold to customers is either six, or twelve, inches long. In exchange, the named plaintiffs will each receive \$1,000 and Subway will pay attorney’s fees, expenses, and costs not to exceed \$525,000, split among several plaintiffs’ law firms involved in the lawsuit. Subway will also separately pay all costs and fees associated with creating a settlement website. Class members will not receive monetary relief. Rather, they will receive only the injunctive relief they sought. Interestingly, the order preliminarily approving the settlement mentions that it “took almost 18 months and the assistance of the Court and a retired magistrate judge to negotiate;” thus, finding that the settlement is not collusive in any way.

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