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What's In a Sandwich? McDonalds Sued in Consumer Class Action Over McRib Claims.

by Bryan J. Wolin

The iconic McRib, a limited-time fan favorite, recently ignited a high-profile sandwich controversy, leading to a class action lawsuit filed in the U.S. District Court for the Northern District of Illinois (*see Le, et al. v. McDonald's Corp.*, Case No. 1:25-cv-15609). The plaintiffs argue that McDonald's engaged in deceptive marketing practices in violation of a host of state laws by misrepresenting to consumers that the McRib contains pork rib meat. McDonald's hasn't yet filed a formal response, but it has stated that the lawsuit distorts the facts and that it plans to move to dismiss the complaint soon.

The McRib is a boneless pork sandwich introduced by McDonald's in 1981. The sandwich is shaped to resemble a rack of ribs, more or less, and the name McRib of course clearly references ribs. Yet the sandwich does not contain any rib meat. It is a pork patty formed with lower-grade meat parts, slathered in BBQ sauce, and served with pickles and onions on a hoagie-style bun. It is also one of the most expensive single items on the McDonald's menu, costing up to $7.89 before tax. Despite its cost – or perhaps because of it – the McRib is enormously popular, boasting a cult-like following that few competitive offerings can match.

The plaintiffs contend that they were misled because, viewing the name "McRib," the rib-like shape of the meat patty, the high price point relative to the rest of the menu, and the limited-time availability of the product, they concluded that the McRib contains real rib meat. Accordingly, they filed suit and seek a wide range of relief, including actual and punitive damages, legal fees, injunctive relief, and more.

Underlying plaintiffs' theory are two core questions: would a reasonable consumer think that McRibs are made with rib meat, and does that matter enough to impact a reasonable consumer's purchasing decision? In attacking these questions, McDonald's could rely on its numerous public disclosures about the makeup of McRib sandwich patties, as well as third-party discussions of the issue, to attack both points. It may even throw in a survey or two for good measure.

This dustup serves as a helpful reminder that even well-established products can still be susceptible to challenge under the right circumstances, and creative plaintiffs' attorneys will never miss an opportunity to challenge potential confusion – even if the product has been around for decades. Regardless of the outcome, this litigation also serves as a cautionary tale for advertisers more generally: transparency and accuracy in product descriptions are not just best practices—they are legal imperatives.

The Kilpatrick Advertising team will continue to monitor developments in this McRib case, and many others like it. For guidance based on these recent developments, please reach out.