



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 325
[2005 Senate Bill 161]

Obesity Suits

2005 Wisconsin Act 325 creates a civil liability exemption for claims resulting from weight gain and obesity.

Wisconsin Act 325 provides that a person who manufactures, markets, packs, distributes, advertises, or sells food is immune from civil liability for a person's weight gain or obesity caused by the consumption of the food or for a health condition related to weight gain or obesity. This immunity does not apply to a claim that a defendant knowingly violated a law and that the violation was the proximate cause of the weight gain, obesity, or related health condition. The immunity also does not apply to a claim of breach of contract or express warranty or to a claim that the food has been adulterated. A prevailing defendant may recover reasonable attorney fees and costs of the investigation and litigation.

Effective Date: The Act takes effect on April 29, 2006.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.