

Motor-Oil Maker Sells 'Cancer' For Cars, Drivers Say

By **Rachel Graf**

Law360 (July 30, 2018, 6:52 PM EDT) -- A motor-oil maker conceals that its products are outdated and could damage vehicles, with one executive likening the products to cancer for cars, according to a proposed class action removed to Florida federal court Friday.

Brandon Opalka, who bought a bottle of Amalie AOC Ltd.'s premium motor oil last year, alleged that the company's XCEL line of premium motor oils lacks sufficient additives and could cause "catastrophic engine failure." The American Petroleum Institute classifies the product as "obsolete" and warns against using it in engines made after the 1930s, the suit said.

"Defendant's 'cancer in a bottle' Product serves no justifiable use in modern automotive engines, is by definition 'obsolete,' and is worthless," said the complaint, which was first filed in state court in June.

The company skimps on additives in an effort to boost profits, the complaint said. Amalie knows it is selling a potentially dangerous product, and its senior vice president of sales and marketing said in 2003, "It's not going to give your car a heart attack. It's more like cancer," according to the complaint.

The product's front label does not indicate that the oil lacks additives needed to make the product safe for modern vehicles, Opalka claimed.

The back label does include a warning about the lack of additives, though it is "buried at the bottom" of the label and in small print, the complaint said. At the same time, the back label makes misleading claims, calling the product "multi-grade [and] highly refined," an "economical quality blended lubricant," and a "general purpose automotive oil," the complaint said.

The seemingly positive statements contradict the relatively small warning on the same back label, the complaint said.

"Reasonable consumers, including Plaintiff, do not read this fine print — and even if they did, it is ambiguous (particularly when read in conjunction with the rest of the label's representations), and fails to adequately disclose the dangers of Defendant's Product," the complaint said.

Opalka seeks to represent a class of Florida residents who drive cars made later than 1930 and who have bought a product from the XCEL premium motor oil line.

The suit alleges violations of the Florida Deceptive and Unfair Trade Practices Act and the Florida Misleading Advertising Law, and unjust enrichment.

Counsel for Opalka declined to comment. Counsel for Amalie did not respond Monday to a request for comment.

Opalka is represented by Harley S. Tropin, Tal J. Lifshitz, and Robert Neary of Kozyak Tropin & Throckmorton, Ryan Casey of The Casey Law Firm LLC, and Allan Kanner and Cynthia St. Amant of Kanner & Whiteley LLC.

Amalie is represented by Julianna Thomas McCabe, Irma R. Solares and Michael N. Wolgin of Carlton

Fields Jordan Burt PA.

The case is Opalka v. Amalie AOC Ltd., case number 1:18-cv-23072 in the U.S. District Court for the Southern District of Florida.

--Editing by Peter Rozovsky.