

Convenience Store News

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## Chicago Beverage Tax Spurs Consumer Challenges

### Class action lawsuit targets 7-Eleven for improperly charging tax on unsweetened coffee.

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CHICAGO — 7-Eleven Inc. is the latest retailer to face a class action lawsuit over the collection of a beverage tax in Cook County, Ill.

Attorneys Thomas Zimmerman, Sharon Harris, Matthew De Re, Nickolas Hagman and Maebetty Kirby, all from Zimmerman Law Offices of Chicago, filed suit in Cook County Circuit Court on behalf of plaintiff Kelly Tarrant on Aug. 9.

The lawsuits alleges that 7-Eleven improperly charged Tarrant the county's penny-per-ounce sweetened beverage tax despite the fact that she purchased a Super Big Gulp cup filled with unsweetened coffee, which should have been exempt from the tax. Tarrant paid an extra 28 cents for her purchase, according to the filing, [reported](#) [2] the *Cook County Record*.

Store employees allegedly informed Tarrant that "the tax is programmed in the 7-Eleven Store Information System and that the system automatically charges the sweetened beverage tax to all beverages purchased in Gulp cups, regardless of whether the beverage is subject to the sweetened beverage tax."

The lawsuit seeks to expand to include all others who may also have been erroneously charged the tax when purchasing an unsweetened beverage since the tax went into effect Aug. 2, which it estimates could come to "many thousands." It also asks the court to award plaintiffs actual damages plus attorney fees, according to the report.

This marks the third class action lawsuit filed against retailers, including Walgreens and local McDonald's franchisees, over the tax collection in the last five days, according to the report.

Collection and enforcement of the tax were previously delayed for about a month after the Illinois Retail Merchants Association and a group of Cook County grocers filed a legal challenge, alleging that the tax was poorly written and would expose retailers to class action lawsuits and other litigation over its collection.

Headquartered in Irving, 7-Eleven operates, franchises and/or licenses more than 60,000 stores in 17 countries, including 10,700 in North America.

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[1] <http://www.csnews.com/>

[2] <http://cookcountyrecord.com/stories/511176580-class-action-adds-7-eleven-to-list-of-retailers-being-sued-for-cook-county-pop-tax-collections>

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