

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 20549

FORM 8-K

**CURRENT REPORT PURSUANT
TO SECTION 13 OR 15(D) OF THE
SECURITIES EXCHANGE ACT OF 1934**

Date of report (Date of earliest event reported): February 19, 2020

National Beverage Corp.
(Exact Name of Registrant as Specified in Its Charter)

Delaware
(State or Other Jurisdiction of Incorporation)

1-14170
(Commission File Number)

59-2605822
(IRS Employer Identification No.)

8100 SW Tenth Street, Suite 4000
Fort Lauderdale, Florida
(Address of Principal Executive Offices)

33324
(Zip Code)

(954) 581-0922
(Registrant's Telephone Number, Including Area Code)

(Former Name or Former Address, if Changed Since Last Report)

<u>Title of each Class</u>	<u>Trading Symbol</u>	<u>Name of each exchange on which registered</u>
Common Stock, par value \$.01 per share	FIZZ	The NASDAQ Global Select Market

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2. below):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (17 CFR §230.405) or Rule 12b-2 of the Securities Exchange Act of 1934 (17 CFR §240.12b-2).

Emerging growth company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

Item 8.01 Other Events

On February 19, 2020, National Beverage Corp. issued a news release entitled “LaCroix Victorious in Litigation . . . Claims Completely Retracted”. The release is attached hereto as Exhibit 99.1.

Item 9.01 Financial Statements and Exhibits

- (d) Exhibit 99.1 [Press release dated February 19, 2020 entitled “LaCroix Victorious in Litigation . . . Claims Completely Retracted”.](#)
- Exhibit 104 Cover Page Interactive Data File (formatted as Inline XBRL)

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

National Beverage Corp.
(Registrant)

By: /s/ George R. Bracken
George R. Bracken
Executive Vice President – Finance
(Principal Financial Officer)

Date: February 20, 2020

EXHIBIT INDEX

- 99.1 Press release dated February 19, 2020 entitled “LaCroix Victorious in Litigation . . . Claims Completely Retracted”.
- 104 Cover Page Interactive Data File (formatted as Inline XBRL)



NASDAQ: FIZZ

For Immediate Release

Contact: Office of the Chairman, Grace Keene

**LACROIX VICTORIOUS IN LITIGATION . . .
CLAIMS COMPLETELY RETRACTED**

FORT LAUDERDALE, FL, February 19, 2020 . . . National Beverage Corp. (NASDAQ: FIZZ) announces dismissal with prejudice and complete retraction of all of the allegations contained in a prior lawsuit which challenged LaCroix's natural ingredient labeling. The plaintiff recanted the statements made in a sensationalized and widely-publicized press release issued by her counsel concurrent with the lawsuit that was filed.

In a written recantation, the Plaintiff, Lenora Rice, and her law firm withdrew and unequivocally retracted all the claims lodged against National Beverage. In the retraction, Rice and her law firm admitted that the testing of LaCroix conducted by their hired laboratory made no findings that LaCroix contained any artificial ingredients.

Rice and her lawyers confirmed they received no payment or compensation, directly or indirectly, and agreed to the retraction and dismissal of the lawsuit with prejudice. *(See the complete letter from Plaintiff, Lenora Rice, together with her counsel, the law firm of Beaumont Costales LLC, below.)*

"This dismissal confirms our promise to demonstrate that these allegations had absolutely no merit and reaffirms that the Company delivers a pure and innocent product," stated a Company spokesperson. "This is a vindication of National Beverage and confirms the assurances we gave to our loyal following of LaCroix consumers, our customers and our shareholders that this lawsuit was baseless."

We are grateful to our loyal consumers and healthy advocates that continue to anticipate our new and exciting innovations," concluded the Company spokesperson.

I just Love my...
LaCroix!!



8100 SW Tenth Street
Suite 4000
Fort Lauderdale, Florida 33324

Phone: 877-NBC-FIZZ
www.nationalbeverage.com

Plaintiff, Lenora Rice, together with her counsel, the law firm of Beaumont Costales LLC (and each of its attorneys), affirmatively withdraw and unequivocally retract the claims set forth in *Lenora Rice vs National Beverage Corp d/b/a LaCroix Sparkling Waters*, United States District Court for the Northern District of Illinois, Case No. 1-18-cv-07151, challenging the packaging and/or labeling of LaCroix Sparkling Water with respect to the naturalness of its ingredients.

Rice claimed that independent laboratory testing commissioned by Beaumont Costales revealed ingredients in LaCroix that were not "natural." That laboratory has since confirmed in writing and separately under oath that its testing could not, and did not, determine whether the ingredients were "synthetic" and made no finding as to the source of the ingredients it identified. We do not dispute that those same ingredients can be derived naturally. In addition, Rice and Beaumont Costales have been provided with the results of the independent testing conducted by another accredited laboratory, which confirmed that LaCroix's flavor ingredients are 100% natural and free of any "synthetic" sources.

While both Rice and Beaumont Costales contend that they did not intend any harm to National Beverage Corp., its shareholders, retailers and, most importantly, its following of loyal consumers, they both acknowledge harm was done.

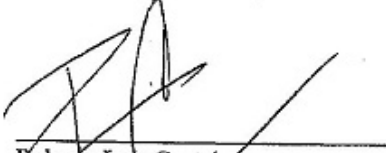
This retraction is intended to be inclusive of all facts set forth and implications made in connection with Rice's lawsuit, including any and all complaints, pleadings, responses, replies, motions, affidavits, oral statements, and/or any responses to discovery. Rice and Beaumont Costales further acknowledge that they received no payment whatsoever for this retraction or for the withdrawal and dismissal of their Complaint.

By signing below, we expressly consent and agree that this letter may be used by National Beverage Corp., or its successors and assigns, with its retailers, consumers, analysts, other putative or actual plaintiffs and their counsel, and the media.

DocuSigned by:

C4C7E55C078340C

Lenora Rice
Plaintiff



Roberto Luis Costales
William H. Beaumont
BEAUMONT COSTALES LLC
Attorneys for Plaintiff