



Hermès wins Birkin antitrust case: Why it matters

A US judge has permanently dismissed a lawsuit against Hermès. It claims the brand violates antitrust laws by restricting purchase access to its famed Birkin bag.

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The Hermès Birkin is known for carrying a certain mystique. But for those who seek to carry the coveted handbag, there's a long waiting list, and the rumour is that you have to be an existing Hermès client (with a significant purchase history) before you're invited to buy the Birkin.

It's this principle that has made the French house the target of an antitrust class action lawsuit. On Wednesday, the class action was dismissed for a second time; this time as prejudice, meaning it cannot ever be refiled. "It may be, as plaintiffs suggest, that Hermès reserves the Birkin bag for its highest-paying customers, but that in itself is not an antitrust violation," US District Judge James Donato wrote in his order.

It started in 2024, when a group of US consumers sued the brand, alleging that Hermès induces people to buy products knowing they "will not in fact get a Birkin bag", the initial documents stated. Hermès denied it at the time, saying that customers without a purchase history can still buy the bag and that the brand faces clear competition from others in its market. Though the plaintiffs suggested that the Birkin's "exclusivity, limited availability and iconic status make it difficult to find a perfect substitute".

The class action only emphasises the Birkin's allure. The company was one of the few high-end brands to weather the luxury slowdown, thanks to its ultra-wealthy customer base. And in its most recent earnings, sales rose 9 per cent to €3.9 billion in the second quarter of 2025.

Hermès is a rare example of a brand whose demand truly outweighs supply, while the success of its waiting lists indicates its significant pricing power. "They're thoughtful and think about the long term. A lot of brands have been victims of their own mistakes, increasing prices way too much, and as a consequence alienating customers," Erwan Rambourg, global head of consumer and retail research at HSBC, told *Vogue Business* last month.

For now, the Birkin remains untouched — both in court and in the market.

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