

## Ocean Spray Agrees to Settle ‘No Artificial Flavors’ Suit

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- A consumer class action lawsuit, first filed in California state court on September 19, 2017 alleged that Ocean Spray Cranberries Inc.’s “CranGrape” and “CranApple” beverages were false and misleading under California and federal law. Specifically, the complaint alleged that the “CranApple” drink includes DL-malic acid derived from petrochemicals to achieve its apple flavor while the CranGrape drink includes a fumaric acid ingredient synthesized from petrochemical feedstocks to achieve its grape flavor. Despite those artificial ingredients, the complaint alleged that those beverage labels claimed that they contained “No Artificial Flavors.”
- The issue at the center of the lawsuit was whether those compounds function and qualify as artificial flavors in the juice products. In prior court hearings, Ocean Spray argued that the malic and fumaric acid in their juice products were used to control pH and acidity levels and were not present to flavor the products. The plaintiff argued that malic acid can be used as a flavor or flavor enhancer, and the low level of synthetic malic acid and fumaric acid in the drink would function as a flavor.
- Pending approval by U.S. District Judge Gonzalo Curiel, a proposed settlement filed on November 8, 2019 would require Ocean Spray to pay \$5.4 million into a settlement fund. In addition, Ocean Spray agreed to cease manufacturing its “CranGrape” and “CranApple” products with labels that contain the claim “no artificial flavors” within 12 months after the final approval effective date.

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