

California Federal Judge Certifies Class in “Pure” Honey Labeling Suit

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On February 24, a California federal court certified a statewide class of consumers who may have been misled by the “pure” and “100% pure” claims on honey labels produced by Sioux Honey, including Sue Bee Products. The named plaintiff, Susan Tran, alleged that the honey products were not “pure” or “100% pure” because they allegedly contained glyphosate, which she described as a synthetic chemical and herbicide. According to the complaint, Tran began buying Sue Bee honey in 2013, but stopped when she learned that tests by an independent laboratory confirmed FDA’s findings that the products contained at least trace amounts of glyphosate.

Tran filed a Motion for Class Certification on August 16, 2019, requesting that the Court certify (1) an “injunctive relief class” under Civil Procedure Rule 23(b)(2) and (2) an “issue class” under Rule 23(c)(4). The injunctive relief class seeks the removal of the term “pure” from all Sue Bee Product labels, including the labels that still declare the honey to be “100% pure.” As for the issue class, Tran argued that certification of the class was appropriate on the question of “whether Sioux Honey has misled or deceived reasonable consumers by labeling its honey products as ‘pure’ or ‘100% pure’ when, in fact, the products contain glyphosate.” In a 17-page decision, U.S. District Judge Josephine L. Staton certified the “injunctive relief class,” but denied certification as to the “issue class.” The certified class is comprised of “all persons residing in California, who, from January 2014 to the Present, purchased, for personal use and not resale, Sue Bee Products.”

Judge Staton rejected Sue Bee’s argument that Tran had not proven consumers actually care about the “pure” and “100% pure” labeling terms by stating that even “Sioux’s own market research demonstrates that a sizable portion of the population views purity as a key motivating factor in honey-purchasing decisions.” Judge Staton also rejected Sue Bee’s contention that Tran offered no evidence that other consumers shared her “preposterous, unrealistic definition of purity.” According to Judge Staton, the law only requires a customer to show they have purchased a product that is marketed with a material representation at this stage. Tran contends Sue Bee violated California’s Consumers Legal Remedies Act and false advertising and unfair competition laws.

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