

Published on *The National Law Review* <https://natlawreview.com>

Class Action Alleges that “Smoked Almonds” are Misleadingly Advertised

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On August 25, 2020, Sheehan & Associates P.C., on behalf of a proposed class of New York consumers, [filed](#) a class action lawsuit against Family Dollar Stores, Inc., alleging that the company is misleadingly advertising its Eatz-brand Smoked Almonds as “smoke” flavored despite the fact that the almonds have not gone through the smoking food preparation process.

Plaintiffs identified “Natural Smoke Flavor” on the ingredient list, and from this disclosure, inferred that the almonds derived their smoke flavor not from the smoking process but from this added natural flavor. Plaintiffs allege that consumers would expect that foods with a “smoke” flavor have undergone an actual smoking process and that Defendant’s product should have been labeled with a qualifying term such as “Naturally Flavored.”

This lawsuit is almost identical to another lawsuit recently [filed](#) by the same firm regarding a Smoked Gouda Artisan Cheese product sold by Dietz & Watson, Inc. and may be a harbinger of further lawsuits against smoke flavored products. Keller & Heckman will continue to monitor and report on trends in the food litigation space.

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National Law Review, Volume X, Number 252

Source URL: <https://natlawreview.com/article/class-action-alleges-smoked-almonds-are-misleadingly-advertised>