

## Class-Action Alleges Protein Content in Purely Elizabeth Products Overstated

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- A class-action [lawsuit](#) brought on behalf of a proposed group of California consumers alleges that Purely Elizabeth, LLC's products, including granola, oats, and waffle and pancake mixes, are misbranded and deceive consumers by making false claims related to their protein content.
- Specifically, Plaintiffs allege that the products contain up to 25% less protein than declared. Some of the products' statements of identity advertise them as protein products, i.e., "Grain-Free Protein + Collagen Pancake & Waffle Mix," and all include a statement on the principal display panel declaring the protein content. Plaintiffs also allege that the protein content declaration constitutes a protein claim which would require that the percent daily value (%DV) of protein that the product provides be declared. (See [21 C.F.R. § 101.9\(c\)\(7\)](#); California has adopted all of federal food labeling regulations). Furthermore, the protein content used to compute the %DV must be corrected for by PDCAAS score, a measure of protein digestibility. The products allegedly do not declare the %DV of protein and contain proteins with low PDCAAS scores (i.e., less digestible proteins) such as collagen and amaranth that would further reduce the %DV of protein that they provide.
- This is the [second](#) class-action lawsuit related to protein content that has been filed recently. Food companies should remember that a protein claim triggers a mandatory protein %DV declaration which must take into account the PDCAAS score of the protein source(s).

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