

Baby Food Lawsuit Dismissed for Relying on “Inferential Leaps”

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- On October 21, a federal judge dismissed a proposed class action complaint against baby and toddler food producer, Sprout Foods Inc. In their amended complaint, plaintiffs Samuel and Gillian Davidson alleged that Sprout Foods misbrands its products by declaring impermissible nutrient content claims on foods intended for use by infants and children less than 2 years of age, that those claims mislead buyers into thinking the products provide health benefits, and that the products are actually nutritionally and developmentally harmful for children under 2.
- U.S. Chief District Judge Richard Seeborg dismissed the amended complaint, however, and found that the plaintiffs still have not plausibly claimed that Sprout Foods’ labeling is misleading or that the products are harmful. Rather, Judge Seeborg stated that the plaintiffs rely on speculative research conclusions and hypothetical scenarios to argue that the products are harmful. For example, plaintiffs allege the products contain harmfully high levels of “free sugars,” but do not explain at what point “high” sugar content crosses into harmful levels.
- In his opinion, Judge Seeborg noted that the California Court of Appeal has warned against allowing food labeling claims that rely on “inferential leaps and which could ultimately ‘place almost any advertisement truthfully touting a product’s attributes at issue for litigation.’”
- The amended complaint was dismissed, although plaintiffs are granted leave to amend.

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