

## Court Dismisses Lawsuit Targeting “All Natural” Claim

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- Last month, the U.S. District Court for the Southern District of New York [dismissed](#) a class-action lawsuit alleging that Snapple beverage products (e.g., Snapple Apple) were falsely and misleadingly labeled as “all natural” because they contained (1) vegetable and fruit juice concentrates added for color and (2) citric acid, which Plaintiffs alleged is commercially made by fermentation of *Aspergillus niger* and “recovered through numerous chemical reactions with synthetic mineral salts and reagents.”
- In regard to the vegetable and fruit juice concentrates, Plaintiffs had conceded that they came from natural sources, but argued that an “all natural” claim was nevertheless misleading because FDA’s [informal natural policy](#) considers “natural” to preclude the inclusion of any color additive, regardless of source. The Court held that FDA’s regulations, and in particular its informal views, “are irrelevant or at least not dispositive when it comes to determining whether a reasonable consumer would be misled.” It also found it implausible that a reasonable consumer would distinguish fruit and vegetable concentrates added for color from similar concentrates not added for color. Finally, the Court held that “all natural” was an ambiguous phrase, that a reasonable consumer would “seek clarification elsewhere on the package,” and that the ingredient list dispelled any ambiguity.
- In regard to the citric acid allegations, the Court held that generalized claims about the method of production were insufficient, and even if the claims were true, it would be not be dispositive because there were no claims that the finished citric acid product contained synthetic ingredients or differed from citric acid found in nature.
- The case is one of many food litigation lawsuits filed by attorney Spencer Sheehan.

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