

Sweet (But Not Too Sugary) Victory: Court Dismisses Lawsuit Over Sprout Foods Baby Food Labeling

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Judge Richard Seeborg of the Northern District of California recently dismissed a putative class action alleging that Sprout Foods’s nutritional claims on its baby and toddler food labels misled consumers into believing that the products provide physical health benefits. In their complaint, plaintiffs alleged that the products are “harmful both nutritionally and developmentally” due to allegedly high levels of free sugars. In rejecting these claims, the Court found that plaintiffs’ allegations were based on speculative research findings and hypothetical scenarios, which did not adequately allege that defendant’s products are *per se* harmful. [*Davidson v. Sprout Foods Inc.*, No. 22-cv-01050-RS \(N.D. Cal. Oct. 21, 2022\)](#).

Pointing to statements such as “3g of Protein, 4g of Fiber and 300mg Omega-3 from Chia ALA” and other “nutrient content claims”, plaintiffs alleged that the products’ advertising communicate health benefits for developing children. Using this interpretation as a springboard, Plaintiffs alleged that the products’ advertising is false and misleading because the products contain high amounts of free sugars and are stored in pouches, which plaintiffs allege may be harmful to developing children.

In dismissing these claims, the Court found that plaintiffs failed to describe “at what point ‘high’ sugar content crosses into harmful levels (or even why, in particular, these sugar levels are harmful).” And for their allegations that pouched food may be unhealthy, plaintiffs relied on speculative research findings – for example, that pouches “may lead to long term health risks” or may be harmful *if* overly relied on by parents. Plaintiffs also did not allege why the purported risks outweighed any potential benefits of the products, such as providing protein or fiber to consumers. Noting that a California Court of Appeal has cautioned against allowing lawsuits to go forward that “rely on inferential leaps and which could ultimately place almost any advertisement truthfully touting a product’s attributes at issue for litigation,” the Court found plaintiffs failed to plausibly allege that the product labels here were false or misleading.

The plaintiffs' bar is widely targeting health claims, including claims that foods and other goods may pose health risks because they allegedly contain certain ingredients or contaminants. This case serves as a helpful reminder that it is often the dose that makes the poison, and it is not enough for plaintiffs to allege the mere presence of a substance, and speculative possible health risks that may result, to state a claim.

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