

Court Considers Whether Growth Claims Were Tall Tales

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Can a claim be literally true and still mislead consumers? In this episode, we unpack a New York federal court's decision allowing a class action against Abbott Laboratories over PediaSure Grow & Gain's "Clinically Proven to Help Kids Grow" claims to move forward. The court found that a jury could reasonably conclude consumers interpreted the advertising to mean the product helps typical children grow taller—even though the supporting studies involved children at risk of malnutrition and the packaging included a disclaimer. The case underscores a critical lesson for advertisers: courts evaluate the overall consumer takeaway, including images, context, and disclosures, and even technically accurate claims can create legal risk if they communicate a message the evidence doesn't support.

Hosted by Simone Roach. Based on a blog post by [Gonzalo E. Mon](#).