

The Hits Keep on Coming: New “Natural” Settlements and Filings

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Two more food companies have reached settlements over “natural” claims. In a class action suit against Popchips, Inc., plaintiffs alleged that the maker of Popchips snacks misled consumers by labeling and promoting its product as “natural” when it contained artificial and synthetic ingredients. Popchips denies the allegations, but agreed to establish a \$2.4 million fund to reimburse class members. Popchips also agreed to remove “All Natural” from its tagline and cease using phrases like “Healthy,” “Healthier,” and “Low Fat” to describe its product. Instead, it will describe Popchips as “Naturally Delicious” or made with “Natural Flavors.” In a similar case, a federal judge preliminarily approved a settlement in a class action suit against Trader Joe’s. Plaintiffs alleged that various Trader Joe’s products labeled “All Natural” or “100% Natural” contained synthetic ingredients. In addition to establishing a \$3.375 million fund to compensate class members, Trader Joe’s agreed to permanently discontinue use of the terms “All Natural” or “100% Natural” on labels of products including its Chocolate Vanilla Creme Cookies, Jumbo Cinnamon Rolls, and Buttermilk Biscuits.

New “natural” class actions continue to be filed. In January, class actions were filed against Diamond Foods, Inc. over “All Natural” claims for Kettle Brand TIAS Tortilla Chips and against Nestlé over “All Natural” claims for Dreyer’s and Edy’s fruit bars. Plaintiffs in the Diamond Foods case allege that TIAS chips contain synthetic ingredients. Plaintiffs suing Nestlé claim that the fruit bars contain synthetic ingredients and added color. (Under an FDA policy, a food may not be labeled “natural” if it contains any added color, regardless of whether the added color is natural or synthetic.)

Newly filed “natural” cases could settle – or not. An [article](#) by John E. Villafranco discusses a recent trend that could mean fewer “natural” cases will succeed.