

“Vanilla Vigilante” Spencer Sheehan Grounded After Targeting Starbucks

Gregory T. Berman, James B. Saylor, Madeleine A. Ostertag

December 8, 2023

Over the past several years, the number of consumer class actions involving product labels has significantly increased. The claims, primarily targeting food and clothing manufacturers, typically allege products are mislabeled or are otherwise misleading to consumers and as a result, the cost to consumers increases.

It is not a stretch to assert that Spencer Sheehan has achieved notoriety for his prolific filing of consumer class actions. He is referred to by some as the “Vanilla Vigilante”—an apt moniker derived from suing manufacturers claiming products are made with vanilla when in reality they contain artificial flavoring. According to a recent *New Yorker* profile, Sheehan’s firm has filed over 500 similar class action lawsuits. But as Sheehan has recently discovered, when alleging labels are not true and that consumers would be misled, especially in the volume that Sheehan has done, courts are particularly vigilant that allegations are substantiated.

A recent plaintiff represented by Sheehan alleged that Starbucks, by marketing one of its coffees as “French Roast Ground 100% Arabica Coffee,” misrepresented that its coffee was without additives such as potassium. The Court found the plaintiff’s claim was groundless. While the complaint cited to “reports based on laboratory analysis,” the sources of the report were found to be a *New York Post* article and a “study [that] appeared to be an advertisement,” as well as Sheehan’s own investigation completed after the complaint was filed. Moreover, even if the plaintiff had alleged evidence of a higher potassium content, the Court found that no reasonable consumer would take “100% Arabica Coffee” to mean anything other than that its beans are from an Arabica coffee plant.

The Court not only dismissed the claim, but it also sanctioned Sheehan for filing frivolous claims. The 18 actions Sheehan filed in the Northern District of New York since 2021—all of which stalled at the motion to dismiss phase—may have been top of mind for the Court.

Sheehan’s own words from the past were also cited in the Court’s opinion. A prior defendant company filed an amicus brief describing a separate lawsuit Sheehan filed, where in response to a threatened motion for sanctions, Sheehan stated, “So go file your rule 11 motion [*sic*] I hear such sanction threats from people like you all day long.”

Citing the number of failed lawsuits Sheehan filed in the District, along with the lack of substantiation for the claims against Starbucks and the faulty theory at the heart of the case, the Judge ultimately sanctioned Sheehan and held him in civil contempt of court.