

# Healthy-sounding food labels being challenged

By Paul M. Barrett, Bloomberg News

Over the past 18 months, a group of plaintiffs' lawyers who got rich suing the tobacco industry have turned their litigious attention to what they hope will be the next big thing: challenges to healthy-sounding food labels they allege are misleading.

Hailing from across the U.S., the lawyers decided to sue in federal courts in Northern California, where the consumer-protection laws are expansive and the jury pool nutrition-conscious.

"Even the judges are calling this jurisdiction the Food Court," says Pierce Gore, the San Jose attorney serving as local coordinator for plaintiffs' firms in Mississippi, Texas, Tennessee, Illinois, and New York.

So far three dozen suits seeking class-action status are pending in the Bay Area. The grocery list of targets includes Unilever's Ben & Jerry's ice cream, Chobani yogurt, Kraft's Trident gum, Hershey chocolates, Ocean Spray beverages, and Associated British Foods' Twinings teas.

Unlike suits over cigarettes, these food label cases don't allege that anyone has been physically injured or addicted; nor do they suggest that the products in question are dangerous or defective. Instead they challenge the hawking of granola bars, fruit juice, and green tea as being good for you.

Specifically, the suits say consumers are being tricked by such claims as "100 percent natural" and "no sugar added."

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