

Court Dismisses False Advertising Claims Related to Splenda Essentials Products

Bronson v. Johnson & Johnson, No. 12cv4184 (N.D. Cal.): The court granted in part and denied in part a second motion to dismiss allegations that various "Splenda Essentials" products are labeled and marketed in false and misleading ways. In addition to challenging the name "Essentials," plaintiffs challenged antioxidant, fiber, and metabolism claims made on product labels and the internet. The court had previously dismissed fiber claims as preempted by federal law because they were based on the allegation that defendants violated consumer protection statutes by failing to differentiate between natural and synthetic fiber. It also previously dismissed without prejudice claims that defendants lacked substantiation to make the product claims. The court reaffirmed the original dismissal and here dismissed those claims with prejudice, as well as claims related to B vitamins. It found that plaintiffs' claims were based on a lack of substantiation, which cannot be challenged by private plaintiffs. However, the court allowed claims based on defendants' antioxidant claims to proceed, finding that the complaint adequately alleged reliance on the company's website. [Order](#).

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