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Food & Consumer Packaged Goods Litigation

Arkansas Court Dismisses “Natural Source of Antioxidants” Case

Craig v. Twinings North America, Inc., No. 5:14-cv-05214-TLB (W.D. Ark.): A federal judge in Arkansas dismissed a putative class action claiming Twinings deceived consumers by labeling its teas as being a "natural source of antioxidants." The plaintiff claimed the teas do not meet the minimum nutrient level to make such a claim. The court, however, held that Twinings' label did not violate federal law because the statement "natural source of antioxidants" is not an improper nutrient-content claim as it does not characterize the *level* of nutrients. Unlike qualifiers like "good," "more," or "high," the term "natural" does not modify the word "source" to indicate the level of nutrients. In addition, tea is exempt from federal nutrition labeling requirements for antioxidants in this case. Because plaintiff's allegations do not violate the Federal Food, Drug, and Cosmetic Act, any state law claims arising from the same facts are preempted. Further, the plaintiff could not show she suffered actual damages under Arkansas law by relying on Twinings' label. Because Twinings' label is allowed under FDA regulations and because the plaintiff paid for and received tea, it cannot be said that the product was "not at all what defendant represented." Finally, because the label does not violate FDA regulations, the challenged statement is not false or misleading as a matter of law. [Order](#).

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