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August 29, 2019

Food & Consumer Packaged Goods Litigation

Industry Insights: Putting “Pure” Claims in Context

In recent years, we have tracked numerous cases that claimed food products marketed as "pure" did not have the marketed levels of purity. From water to cheese to honey products, "pure" claims have led to challenges in federal and state courts around the country. Many suits alleged that trace amounts of synthetic chemicals or pesticides render products impure or otherwise not 100% "natural." Recently, a consumers' association [sued](#) a tea manufacturer, alleging that the tea showed trace amounts of synthetic molecules, including glyphosate, even though it was marketed as "100% Natural" and "Pure." Honey manufacturers have faced several similar [suits](#), which alleged that honey containing trace amounts of pesticides, particularly glyphosate, is not "100% Pure." As numerous courts have found, reasonable consumers would not expect pure or natural product claims to exclude synthetic molecules in innocuous amounts. For example, the Southern District of New York recently [ruled](#) that "a reasonable consumer would not be so absolutist as to require that 'natural' means there is no glyphosate, even an accidental and innocuous amount, in the Products." *Parks v. Ainsworth Pet Nutrition*, 377 F. Supp. 3d 241, 247 (S.D.N.Y. 2019). In the D.C. Superior Court, a "pure" honey claim was dismissed in 2017 and later settled after plaintiffs appealed. *Organic Consumers Ass'n. v. Sioux Honey Ass'n., Coop.*, No. 2016 CA 008012 B (D.C. Super. Mar. 31, 2017) (no written decision issued). Several federal laws apply to "pure" claims and chemical residues. For example, challenges to "pure" claims in the bottled water context were dismissed as [preempted](#) under federal law. Even the U.S. Department of Agriculture's National Organic Program has [allowances](#) for unavoidable residual contact with pesticides and other chemicals for products labeled "Organic" or "100% Organic." While the Food and Drug Administration is yet to [provide clear guidance](#) on the term "natural," some might attempt to use chemical or pesticide residue claims to attack a product's marketing regarding its purity. While "natural" [lawsuits](#) have received much attention in recent years, we will continue to track the use of "pure" allegations in suits facing food and beverage products.

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