A St. Louis attorney, over the past two years, has alleged products ranging from candy to bread and cupcake mixes do not qualify as “natural.” Many of these lawsuits, for example, target products that include sodium pyrophosphate, a common leavening agent found in mixes. These lawsuit seek recovery for all consumers who purchased the product, even though it is likely that few, if any, of them had any issue with inclusion of the leavening agent, which was disclosed on the ingredient panel. A sample of these lawsuits filed by Matthew H. Armstrong of the Armstrong Law Firm LLC includes:

* Biscuits. *Garner v. Bahlsen North America Inc.*, No. 1622-CC11327 (Cir. Ct., City of St. Louis, Mo., filed Nov. 17, 2016).
* Cake, brownie, cookie, and breakfast mixes. *Kreider v. Dover Foods, Inc*., No. 1622-CC10011 (Cir. Ct., City of St. Louis, Mo., filed Sept. 1, 2016).
* Duncan Hines muffin mix. *Thornton v. Pinnacle Foods Group LLC*, No. 4:16-cv-00158 (E.D. Mo. Feb. 5, 2016) (removed to federal court).
* Colonial Style Custard Nog. *Davis v. C.F. Burger Creamery Co*., No. 4:16-cv-00167 (E.D. Mo. removed Feb. 8, 2016) (stipulated dismissal entered in Mar. 2016).
* Gluten Free Fudge Brownie Gourmet Brownie Mix. *Kincaid v. XO Health Co. dba XO Baking Co.*, No. 4:15-cv-01788 (E.D. Mo. Dec. 3, 2015) (stipulated dismissal entered Mar. 2016).
* Potato blintzes. *McNamee v. The Old Fashioned Kitchen, Inc*., No. 4:15-cv-01766 (E.D. Mo. Nov. 30, 2015) (stipulated dismissal entered Mar. 2016).
* “Vita Tops” muffin top products. *Chechik v. Vitalicious, Inc*., No. 1522-CC10685 (Cir. Ct., City of St. Louis, Mo., filed Sept. 22, 2015).
* Sweet Seasons Quick Bread Mixes. [*Zieroff v. New Hope Mills Mnf’g*](http://foodlitigation.ignite.lexblog.com/wp-content/uploads/sites/439/2015/08/2015.07.22-Zieroff-v.-New-Hope-Complaint.pdf), No. 1522-CC10185 (Cir. Ct., City of St. Louis, Mo., filed July 22, 2015).
* Brownies. *Reynolds v. Baker Mills, Inc*., No. 1522-CC10181 (Cir. Ct., City of St. Louis, Mo., filed July 22, 2015).
* Biscuit Mix. [*Row v. Conifer Specialties Inc.*](https://www.foodlitigationnews.com/wp-content/uploads/sites/12/2015/06/2015.05.21-Row-v.-Conifer-Specialties-Inc-Complaint.pdf), No. 1522-CC09720 (Cir. Ct., City of St. Louis, Mo., filed May 21, 2015).
* Sof’ella brand Sour Cream Coffee Cake Mix. [*Teachout v. Am. Naturals Co. LLC*](https://www.foodlitigationnews.com/wp-content/uploads/sites/12/2015/03/2015.03.09-Teachout-v.-American-Naturals-Company-Complaint.pdf), No. 1522-CC00505 (Cir. Ct., City of St. Louis, Mo., filed Mar. 4, 2015).
* Claims vanilla cupcake mix. [*Murphy v. Stonewall Kitchen, LLC*](http://www.classaction.org/media/pdf/stonewall-kitchen-complaint.pdf), No. 1522-CC00481 (Cir. Ct., City of St. Louis, Mo., filed Feb. 27, 2015).
* Ginger Carrot Cake Flapjack Mix. *George v. Urban Accents Inc*., No. 1522-CC00479 (Cir. Ct., City of St. Louis, Mo., filed Feb. 27, 2015).
* Almondina Toastees. *Thornton v. YZ Enterprises, Inc*., No. 1522-CC00482 (Cir. Ct., City of St. Louis, Mo., filed Feb. 27, 2015).

“All natural” MMPA lawsuits target a wide range of products:

* *George v. Rebel Green LLC*, No. 1622-CC10433 (Cir. Ct., City of St. Louis, Mo., filed Sept. 14, 2016) (Armstrong): Alleges cleaning products do not qualify as natural.
* *Merrihue v. Hugo & Debra Naturals LLC,* No. 1622-CC10435 (Cir. Ct., City of St. Louis, Mo., filed Sept. 14, 2016) (Armstrong): Alleges hair care products do not qualify as natural.

Others file similar claims elsewhere in Missouri:

* *Horton v. Nestle USA Inc*., No. 1616-CV29347 (Cir. Ct., Jackson County, Mo., filed Dec. 13, 2016) (removed to federal court): Alleges Nestlefalsely marketed Lean Cuisine frozen meals as having no preservatives when they contain citric acid (filed by The Law Office of Jared A. Rose).

Cole and Phelps counties also host MMPA class actions, primarily slack fill claims, which appear to be brought primarily by Steelman, Gaunt & Horsefield, a law firm based in Rolla, Missouri. These cut-and-paste lawsuits allege that a product sold in a nontransparent box could fit more of the product, even though the box is accurately labeled with the number of ounces it contains and even if the box lists the precise number of items inside. Basically, if they shake the box and it rattles, they file an MMPA claim.

* Raisinets. [*Hawkins v. Nestle USA, Inc.*](https://www.truthinadvertising.org/wp-content/uploads/2017/01/Hawkins-v-Nestle-notice-of-removal-and-complaint.pdf), No. 16PH-CV01725 (Mo. Cir. Ct., Phelps County, filed Nov. 18, 2016) (removed to federal court Jan. 12, 2017).
* Krusteaz pancake and waffle mix. *Trentham v. Continental Mills, Inc*., No. 16PH-CV01563 (Mo. Cir. Ct., Phelps County, filed Oct. 25, 2016).
* Annie’s Homegrown Fruit Snacks, Fruit Bites, and Fruit Tape. *Skornia v. General Mills, Inc*., No. 16AC-CC00452 (Mo. Cir. Ct., Cole County, filed Oct. 25, 2016).
* Reese’s Pieces. *Bratton v. The Hershey Co*., No. 16AC-CC00451 (Mo. Cir. Ct., Cole County, filed Oct. 25, 2016) (removed to federal court Dec. 16, 2016).
* Kellogg’s-brand Fruit Snacks. *Melton v. Kellogg Co*., No. 16PH-CV01564 (Mo. Cir. Ct., Phelps County, filed Oct. 25, 2016) (removed to federal court on Dec. 9, 2016).
* Kroger-brand Fruit-Flavored Snacks. *Grisham v. The Kroger Co.*, No. 16PH-CV01562 (Mo. Cir. Ct., Phelps County, filed Oct. 25, 2016).
* Skittles candy. *Skornia v. Mars, Inc*., No. 16AC-CC00453 (Mo. Cir. Ct., Cole County, filed Oct. 25, 2016)
* Mott’s Medleys, Mott’s Fruity Centers, and Mott’s Fruity Rolls. *White v. Mott’s LLP*, No. 16PH-CV01566 (Mo. Cir. Ct., Phelps County, filed Oct. 25, 2016).
* Bit-O-Honey candy. *Hawkins v. Pearson Candy Co*., No. 16PH-CV01565 (Mo. Cir. Ct., Phelps County filed Oct. 25, 2016)
* Junior Mints candy. *Bratton v. Tootsie Roll Indus., Inc*., No. 16AC-CC00454 (Mo. Cir. Ct., Cole County, filed Oct. 25, 2016).
* Frozen breakfast products including waffles, pancakes, French toast sticks, muffins. *Miloro v. Van’s International Foods Inc.*, No. 15PH-CV00642 (Mo. Cir. Ct., Phelps County filed Apr. 29, 2015).

Similar slack food claims are also filed in St. Louis by the Armstrong Law Firm:

* Chewy Red Hots candy. [*Waters v. Ferrara Candy Co*.](https://www.truthinadvertising.org/wp-content/uploads/2017/01/Waters-v-Ferrara-Candy-notice-of-removal-and-complaint.pdf), No. 1622-CC11493 (Cir. Ct., City of St. Louis, Mo., filed Dec. 8, 2016) (removed to federal court on Jan. 11, 2017).
* Hot Tamales candy. *Bryant v. Just Born, Inc*., No. 1622-CC11494 (Cir. Ct., City of St. Louis, Mo., filed Dec. 8, 2016).

Plaintiffs’ lawyers use the MMPA to comb shelves for products that list “evaporated cane juice” as an ingredient, claiming that the product should instead list “sugar” (despite differences between refined white sugar and cane juice). Some of these lawsuits target small businesses that pride themselves on using high-quality natural ingredients. Here are some of the lawsuits filed by the Armstrong Law Firm:

* Rustic Crust Old World Pizza Sauce. *Row v. Ever Better Eating Inc*., No. 1722-CC00351 (Cir. Ct., City of St. Louis, Mo., filed Jan. 27, 2017).
* Paqui Roasted Jalapeño Tortilla Chips and Paqui Grilled Habanero Tortilla chips. *Morrison v. Amplify Snack Brands Inc*., No. 1722-CC00350 (Cir. Ct., City of St. Louis, Mo., filed Jan. 27, 2017).
* Enjoy Life branded Chocolate chips, chunks, and bars. *Grindel v. Mondelez Int’l Inc*., No. 1622-CC11518 (Cir. Ct., City of St. Louis, Mo., filed Nov. 16, 2016).
* Various snack foods. *Harmon v. Cuddletime Inc. (d/b/a Laura’s Wholesome Junk Food)*, No. 1622-CC-11322 (Cir. Ct., City of St. Louis, Mo., filed Nov. 16, 2016).
* Energy bars. *Allen v. Taos Mountain Energy Foods LLC*, No. 1622-CC11308 (Cir. Ct., City of St. Louis, Mo., filed Nov. 16, 2016).
* Clusters cereal. *Collier v. Love Grown Foods LLC*, No. 1622-CC11307 (Cir. Ct., City of St. Louis, Mo., filed Nov. 16, 2016).
* Energy chews and protein bars. *Allen v. EN-R-G Foods LLC*, No. 1622-CC11306 (Cir. Ct., City of St. Louis, Mo., filed Nov. 16, 2016).
* Granola products. *Callahan v. Garden of Light Inc*., No. 1622-CC11313 (Cir. Ct., City of St. Louis, Mo., filed Nov. 16, 2016).
* Pasta sauces. *Johnson v. Dave's Gourmet Inc*., No. 1622-CC11276 (Cir. Ct., City of St. Louis, Mo., filed Nov. 14, 2016).
* Chips. *Blair v. Inventure Foods Inc*., No. 1622-CC11275 (Cir. Ct., City of St. Louis, Mo., filed Nov. 14, 2016) (removed to federal court).
* Instant oatmeal. *Blair v. Eco Heaven LLC*, No. 1622-CC11279 (Cir. Ct., City of St. Louis, Mo., filed Nov. 14, 2016).
* Macaroons. *Thornton v. Red Mill Farms LLC*, No. 1622-CC11274 (Cir. Ct., City of St. Louis, Mo., filed Nov. 14, 2016).
* Black Sesame Baked Brown Rice Snaps. *McNamee v. Edward & Sons Trading Co*., No. 1622-CC11279 (Cir. Ct., City of St. Louis, Mo., filed Nov. 10, 2016).
* Dr. McDougall’s branded soups, entrées, oatmeals, and cereals*. Chechik v. Bright People Foods Inc.*, No. 1622-CC10971 (Cir. Ct., City of St. Louis, Mo., filed Oct. 28, 2016).
* Barbeque Quinoa Chips and Creamy Dill Lentil Chips. *Dougherty v. Simply 7 Snacks LLC*, No. 1622-CC10970 (Cir. Ct., City of St. Louis, Mo., filed Oct. 28, 2016).
* Health Valley Organic brand soups and Earth’s Best brand Baked Chicken Nuggets. *Reynolds v. The Hain Celestial Group Inc*., No. 1622-CC10975 (Cir. Ct., City of St. Louis, Mo., filed Oct. 28, 2016).
* Cookies. *Bryant v. Whole Foods Market Group Inc*., No. 4:15-cv-01001 (E.D. Mo. removed June 25, 2015) (voluntarily dismissed with prejudice in January 2016).
* Almond Breeze milk products. *George v. Blue Diamond Growers*, No. 4:15-cv-00962 (E.D. Mo. June 18, 2015).

Other lawsuits (filed by Armstrong Law Firm):

* *McNamee v. Knudsen & Sons, Inc*., No. 4:15-CV-00572 (E.D. Mo. Apr. 3, 2015) (remanded to St. Louis Circuit Court on 3/3/16): Lawsuit claims because the bottle represents juice as “Blueberry Pomegranate” and is “100% JUICE” with far more prominence that the words on the label describing the juice as a blend, consumers would be misled.
* *George v. Kellogg Co*., No. 4:15-cv-01887 (E.D. Mo. removed Dec. 1, 2016): Alleges that “bright, colorful strawberry and blackberry” pictures on Special K Fruit & Yogurt cereal would lead consumers to believe the product contains those fruits even when the ingredient panel indicates that the only fruit contained in the product is dried apples.

Some plaintiffs’ lawyers do attempt to find a consumer who claims he or she was misled by a products’ advertising. They repeatedly file class action lawsuits that recycle the same class representative. For example:

* *Erika Thornton:*
	+ *Thornton v. Red Mill Farms LLC*, No. 1622-CC11274 (Cir. Ct., City of St. Louis, Mo., filed Nov. 14, 2016).
	+ *Thornton v. Pinnacle Foods Group LLC*, No. 4:16-cv-00158 (E.D. Mo. filed Feb. 5, 2016).
	+ [*Thornton v. Katz Gluten Free Bake Shoppe Inc*.](https://www.foodlitigationnews.com/wp-content/uploads/sites/12/2015/10/Thornton-v-Katz-Gluten-Free-Complaint.pdf), No. 1522-CC10713 (Cir. Ct., City of St. Louis, Mo., filed Sept. 25, 2015);
	+ [*Thornton v. YZ Enterprises, Inc*.](https://www.foodlitigationnews.com/wp-content/uploads/sites/12/2015/03/2015.03.05-Thornton-v.-YZ-Enterprises-Inc.-Complaint.pdf), No. 1522-CC00482 (Cir. Ct., City of St. Louis, Mo., filed Feb. 27, 2015).
* *Lois Bryant*
	+ *Bryant v. Just Born, Inc*., No. 1622-CC11494 (Cir. Ct., City of St. Louis, Mo., filed Dec. 8, 2016).
	+ *Bryant v. BB Holdings Inc*., No. 1622-CC11280 (Cir. Ct., City of St. Louis, Mo., filed Nov. 14, 2016)
	+ *Bryant v. Whole Foods Market Group Inc*., No. 4:15-cv-01001 (E.D. Mo. filed June 25, 2015)