



---

**Portfolio Media, Inc.** | 860 Broadway, 6th Floor | New York, NY 10003 | [www.law360.com](http://www.law360.com)  
Phone: [+1 646 783 7100](tel:+16467837100) | Fax: +1 646 783 7161 | [customerservice@law360.com](mailto:customerservice@law360.com)

---

## 'Natural' Diet Bars Stuffed With Fake Additives, Class Says

By **Beth Winegarner**

Law360, San Francisco (October 24, 2014, 2:25 PM ET) -- Fullbar LLC, the maker of popular appetite-curbing snacks, was slapped with a proposed consumer class action in Florida federal court Thursday claiming it tricked consumers into paying more for its "all natural" bars, which actually contain synthetic ingredients such as maltodextrin and soy lecithin.

The suit, filed on behalf of a nationwide class and a separate Florida class that purchased Colorado-based Fullbar's products, alleges that labels on the front and back of the boxes claimed the snacks were either "100% natural" or "all natural." However, the products contain maltodextrin, potato maltodextrin, soy protein concentrate, soy protein isolate, soy lecithin and other processed ingredients, according to the complaint.

Lead plaintiff Elizabeth Livingston said she purchased Fullbar products, including the chocolate peanut butter and double chocolate flavors, 10 to 15 times from a Wal-Mart store in Pembroke Pines, Florida, between January and August 2014. She later discovered that some of the bars' ingredients were not "all natural" as the labels claimed, according to the complaint.

"Plaintiff and members of the class would not have purchased the products had they known that they were not '100% natural,'" the lawsuit said.

Maltodextrin is produced through "partial acid and enzymatic hydrolysis" of corn starch, a "relatively severe" process that produces the "synthetic factory-produced texturizer" that doesn't occur in nature, according to the complaint. It also frequently includes genetically modified organisms, which by law are not natural because their DNA strands can be patented, according to the complaint.

Fullbar's soy ingredients, including soy protein concentrate, soy protein isolate and soy lecithin, are allegedly also made from genetically modified organisms or seeds; because they were modified technologically, they don't qualify as "100 percent natural," the complaint said.

The U.S. Food and Drug Administration has defined "natural" products as those that don't contain added colors, artificial flavors or synthetic substances; federal laws claim an ingredient is synthetic if it is "formulated or manufactured by a chemical process" or "a process that chemically changes a substance extracted from naturally occurring plant, animal or mineral sources," the complaint said.

Livingston's suit accuses Fullbar of violating Florida's Deceptive and Unfair Trade Practices Act and the Magnusson-Moss Warranty Act, as well as of negligent misrepresentation, breach of express warranty and unjust enrichment. She seeks damages and restitution, as well as an order either preventing Fullbar from using synthetic ingredients in its bars or from using the "natural" labeling on its boxes, according to the lawsuit.

Representatives for Fullbar did not respond to requests for comment on the lawsuit Friday.

Livingston is represented by Joshua H. Eggnatz and Michael J. Pascucci of the Eggnatz Law Firm.

Representation information for Fullbar was not immediately available Friday.

The case is Livingston v. Fullbar, LLC, case number 0:14-cv-62430, in the U.S. District Court for the Southern District of Florida.

--Editing by Rebecca Flanagan.

---

All Content © 2003-2014, Portfolio Media, Inc.