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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | [customerservice@law360.com](mailto:customerservice@law360.com)

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## Snack Co.'s Pretzel Crisps Aren't 'All Natural,' Suit Says

By **Carolina Bolado**

Law360, Miami (November 10, 2014, 3:47 PM ET) -- A Florida consumer on Friday hit Snack Factory LLC with a putative class action claiming the company's Pretzel Crisps are falsely labeled as "all natural" despite containing synthetic or artificial ingredients.

In a suit filed in the Southern District of Florida, plaintiff Joshua Seidman says that New Jersey-based Snack Factory misled consumers by advertising its Pretzel Crisps as all natural, even though they contain maltodextrin, soybean oil, dextrose and caramel color.

"The 'all natural' claim is false, misleading and likely to deceive reasonable consumers in the same respect — that being due to their unnaturalness for containing unnatural, synthetic and/or artificial ingredients," Seidman said in the suit.

The sea salt and cracked pepper Pretzel Crisps contain maltodextrin, which is a saccharide polymer produced through partial acid and enzymatic hydrolysis of corn starch. The severe processing of the ingredient makes it no longer natural, according to the suit.

The sea salt and cracked pepper flavor also contains soybean oil made from genetically modified soybeans; dextrose, which is processed in a similar manner to maltodextrin; and caramel color, which is subject to chemical modification, according to the complaint.

The garlic and parmesan Pretzel Crisps contain both maltodextrin and soybean oil, according to the suit.

Seidman said that the all-natural representations are central to the marketing of the products, and that consumers paid a premium over comparable snacks that did not claim to be all natural.

"Defendant engaged in a misleading and deceptive campaign to charge a premium for the products and take away market share from other similar products," Seidman said.

Seidman wants to represent a nationwide class of consumers who bought Pretzel Crisps between November 2010 through the date notice is provided to the class. He bought the products four to five times throughout the class period, most recently on Sept. 9, at Publix Supermarkets in Florida.

He is claiming violations of Florida's Deceptive and Unfair Trade Practices Act and of the Magnuson-Moss Warranty Act, negligent misrepresentation, breach of express warranty and unjust enrichment.

Snack Factory could not immediately be reached for comment Monday.

The plaintiffs are represented by Joshua H. Eggnatz and Michael J. Pascucci of The Eggnatz Law Firm PA.

Counsel information for the defendant was unavailable.

The case is Seidman v. Snack Factory LLC, case number 0:14-cv-62547, in the U.S. District Court for the Southern District of Florida.

--Editing by Edrienne Su.

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