

Juice Maker Sued Over Deceptive Product Label

By **Benjamin Horney**

Law360, New York (February 20, 2015, 5:23 PM ET) -- Knudsen & Sons Inc. has been hit with a putative class action lawsuit alleging the juice maker marketed a mixed juice to make consumers think it contains mostly pomegranate and blueberry when it's actually made mainly from cheap apple juice and water.

The suit, lodged in Florida federal court earlier this week but not publicly available until Thursday, accuses Knudsen & Sons of purposely mis-branding its RW Knudsen Family Organic Blueberry Pomegranate Juice to make consumers think its main ingredients are pomegranate and blueberry, despite the fact that the juice contains very small amounts of the fruits.

"The product purports to combine two of nature's most potent antioxidants, pomegranate and blueberry, into a single juice product," Gary Snyder's complaint says. "However, the truth is that the main ingredients in the product are neither purely pomegranate nor blueberry juice, but instead it is a mixture of cheap apple juice and lemon juice concentrates with pomegranate juice and a blueberry puree."

According to the complaint, the company purposely and prominently displayed blueberry and pomegranate on the front label of the drink, in an effort to deceptively trick customers into buying it. Meanwhile, the other ingredients are displayed on the back label, and in much smaller font, the complaint alleges.

"The voluntary and affirmative labeling decision to prominently display minor ingredients ... in an otherwise primarily apple juice and filtered water drink is a misleading and unfair marketing tactic," the complaint says.

Even though the back of the label provides all of the ingredients, the complaint alleges that is not sufficient, claiming that Knudsen & Sons cannot "use the back of the label as a shield to protect it against the deceptive advertising on the front of the label."

"When the average reasonable customer sees the front of the product's label, they are not getting a fair depiction of [what] the product really is," the complaint says.

The complaint alleges that the putative class purchased the juice under the "false impression" that it contained the health and nutritional benefits that are associated with pomegranate and blueberry juices. Snyder himself claims to have purchased the drink between up to 12 times, paying roughly \$3.99 each time, believing he was buying a product made mainly of pomegranate and blueberry juices, when that was not the case.

In addition, the complaint alleges that Knudsen & Sons has yet to take any "meaningful steps" to rectify the situation.

Snyder is requesting class certification, as well as damages equal to the combined purchase price paid during the class period, plus pre- and post- judgment interest, and attorneys' fees

and costs.

A representative for Knudsen & Sons did not immediately respond to a request for comment on Friday.

The proposed class is represented by Joshua H. Eggnatz and Michael J. Pascucci of Eggnatz Lopatin & Pascucci LLP.

Counsel information for Knudsen & Sons was not immediately available.

The case is Snyder v. Knudsen & Sons Inc., case number 3:15-cv-00189 in the U.S. District Court for the Middle District of Florida, Jacksonville Division.

— Editing by Ben Guilfooy.

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