

## Parents Put Squeeze On Coca-Cola Over 'Healthy' Juice Boxes

By **Lauren Berg**

Law360 (February 7, 2023, 10:11 PM EST) -- The Coca-Cola Co. deceptively markets fruit juice as a healthy drink choice for children when the beverage actually increases the risk of heart disease and other illnesses, all in an effort to sell its Minute Maid juice boxes, according to a consumer lawsuit filed Monday in California federal court.



A group of consumers accused Coca-Cola of misleadingly marketing its Minute Maid juice boxes as a healthy beverage for children, despite scientific evidence that fruit juice can lead to increased risk for heart disease, diabetes and other illnesses.

In an effort to corner the market for kid-friendly beverages, Coca-Cola exploits the misperception that fruit juice is healthy by marketing and labeling its Minute Maid juice boxes as being "Good for You!" and "Part of a Healthy, Balanced Diet," according to the **proposed class action complaint** filed by parents David Spittal Jr., Rebecca Crampton and Mete Karabas.

But scientific evidence reveals that fruit juice is not a healthy option because it can increase the risk of chronic diseases, including heart disease and type 2 diabetes, as well as conditions such as high blood pressure, high blood sugar and abnormal cholesterol levels that can lead to heart attacks and stroke, according to the suit.

The juice boxes at issue contain six ounces of fruit juice and between 19 grams and 21 grams of sugar, which the consumers said constitutes 80% to nearly 100% of each box's calories.

"Coca-Cola is well aware that consumers prefer healthful foods and are willing to pay more for, or purchase more often, products marketed and labeled as healthy," the consumers said.

"Coca-Cola has taken advantage of this by marketing the juice boxes as healthy options, including by promoting them with health and wellness messages directly on their labeling and packaging," they added.

The company also uses images of fresh fruit on the product to further reinforce the message that the juice boxes are healthy, according to the suit. But these messages are false or, at the very least, highly misleading, the consumers said.

Because of the growing scientific evidence that consuming fruit juice — compared to eating whole fruits — points to an increased risk for illnesses, organizations like the American Academy of Pediatrics, the American Heart Association and the American Academy of Pediatric Dentistry all recommend limiting consumption of fruit juice, the suit states.

For example, those groups in 2019 recommended no fruit juice for children under the age of 1 year, no more than 4

ounces per day for 1 to 3-year-olds and no more than 4 to 6 ounces per day for 4 to 5-year-olds, according to the complaint.

Coca-Cola's health and wellness messages and images of fruit on its juice boxes are likely to deceive consumers, however, as the company perpetuates the preexisting misconception that juice is healthy, according to the suit. The consumers accused Coca-Cola of playing a part in the sugar industry's "longstanding disinformation campaign" regarding the health effects of sugar.

"By using wellness marketing 'beverage manufacturers distract consumers from the health risks associated with some of the other common ingredients in their beverages [such as]sugar ... often delivered at levels that may have serious negative consequences,'" the consumers said, citing a California Center for Public Health Advocacy study.

Coca-Cola has a duty to disclose information regarding the detrimental effects juice consumption can have on consumers' overall health, but the company reveals only enough information to suggest its juice boxes are healthy, according to the complaint.

"Rather than correct the misconception created by its labeling — that the juice boxes are healthy — defendant continues to leverage consumer confusion to increase its profits, at the expense of consumers' health," the consumers said.

Spittal, Crampton and Karabas all purchased Minute Maid juice boxes for their children and families, relying on Coca-Cola's statements that the juice boxes are healthy and "part of a healthy, balanced diet," the suit states. Had they known the labels were misleading, they said they would not have bought the products.

The plaintiffs want to represent a nationwide class, as well as subclasses in California and New York, of all people who bought any Minute Maid juice boxes for personal or household use.

The suit claims violations of California's Unfair Competition Law, False Advertising Law and Consumers Legal Remedies Act, as well as negligent misrepresentation, intentional misrepresentation and unjust enrichment, among other things. It seeks disgorgement, restitution, damages and attorney fees.

Representatives for the parties did not immediately respond to requests for comment Tuesday.

This is not the only suit Coca-Cola is facing over its Minute Maid juice.

On Sunday, a Chicago woman accused the company of **misleading consumers** into believing its apple juice is free of preservatives by highlighting the drink's "Vitamin C" properties while downplaying that it is a chemically modified version of the micronutrient.

Natasha Hawkins claims in the proposed class action that Coca-Cola intentionally omits that the vitamin C in the juice is actually ascorbic acid, an additive injected into the product primarily to extend its shelf life.

The front label of the 15.2 ounce bottle says, "100% apple juice from concentrate with vitamin C," while the ingredient listing on the back says, "Concentrated apple juice, vitamin C (ascorbic acid)." This listing is a sleight of hand on Coke's part, according to the suit.

"Not only does the ingredient list not inform consumers of the preservative function of ascorbic acid, it identifies it as 'vitamin C,' even though its common or usual name is 'ascorbic acid,'" the suit states. "Consumers are misled because the labeling fails to disclose the presence and function of the chemical preservative of ascorbic acid."

The consumers in the instant suit are represented by Jack Fitzgerald, Paul K. Joseph, Melanie Persinger, Trevor M. Flynn and Caroline S. Emhardt of Fitzgerald Joseph LLP.

Counsel information for Coca-Cola was not immediately available.

The case is David Spittal Jr. et al. v. The Coca-Cola Co., case number 3:23-cv-00218, in the U.S. District Court for the Southern District of California.

--Additional reporting by Jonathan Capriel. Editing by Vaqas Asghar.