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Procter & Gamble Sold Metamucil Containing Lead, Suit Says

By **Henrik Nilsson**

Law360 (December 8, 2023, 9:09 PM EST) -- The Procter & Gamble Co. has been hit with a proposed class action in New York federal court alleging it falsely claims its Metamucil fiber supplement is healthy when it contains dangerous amounts of lead and added sugar.

In a 68-page complaint filed Wednesday, Regina Pellegrino of New York accuses P&G of misbranding its line of Metamucil products as healthy, saying testing has shown each serving of the psyllium fiber supplement contains more than the 0.5 micrograms of maximum allowable dose levels of lead under California's Proposition 65.

Further, P&G misleadingly advertises that the Metamucil Made with Real Sugar product promotes "appetite control," "healthy blood sugar levels" and "digestive health," because adding sugar "actually decreases appetite control, harms blood sugar levels, and damages digestive health," according to the suit.

Pellegrino asserts claims of unfair and deceptive business practices and false advertising in violation of the New York General Business law and seeks to represent a class of consumers in New York who purchased the products within the past three years.

The suit targets all flavors, sizes and varieties of Metamucil Made with Real Sugar, Metamucil on-the-go!, Metamucil Sugar Free, Metamucil No Added Sweeteners, Metamucil Premium Blend and Metamucil Fiber & Collagen Peptides.

Pellegrino's suit says lead exposure is especially harmful to children and that high levels of lead can damage the brain and cause convulsions, comas and even death.

"Even when lead exposure is not severe or obvious, its effects are pernicious," the suit says. "At lower levels of exposure, lead produces a spectrum of injuries across multiple body systems. For example, it can affect children's brain development, resulting in lower IQ, and can cause behavioral changes such as reduced attention span, increased antisocial behavior and reduced educational attainment."

According to Pellegrino, P&G lures consumers into thinking the products are safe because there is a "doctor recommended" statement on every package in a circular sealed in contrasting color. Further, the labeling also directs consumers to P&G and Metamucil's websites, which reinforce the message that the products are healthy and safe, Pellegrino says.

P&G's website claims none of its products use heavy metals such as arsenic, chromium and lead. One article, featured on the Metamucil website, states that the product is safe for use during pregnancy, according to the suit.

Independent testing conducted in July revealed each Metamucil product contained dangerous amounts of lead, according to Pellegrino. Evidence also suggests P&G has been aware of the issue since at least March 2021, when Consumer Lab published a report showing the Metamucil Sugar Free product in the orange flavor contained 14.6 micrograms of lead per serving, according to the suit.

"P&G is responsible for the lead being present at such unreasonably dangerous levels in the Metamucil products is also manifest in the fact that other brands of psyllium fiber tested at levels

below that of the Metamucil products," Pellegrino says.

Pellegrino's suit seeks a court order requiring P&G to disgorge all profits obtained by any means of illegal acts or practices and to pay restitution, attorney fees and costs.

Counsel and representatives of the parties did not immediately respond to requests for comment Friday.

Pellegrino is represented by Jack Fitzgerald of Fitzgerald Joseph LLP.

Counsel information for P&G was not immediately available.

The case is Regina Pellegrino v. The Procter & Gamble Co., case number 7:23-cv-10631, in the U.S. District Court for the Southern District of New York.

--Editing by Drashti Mehta.

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