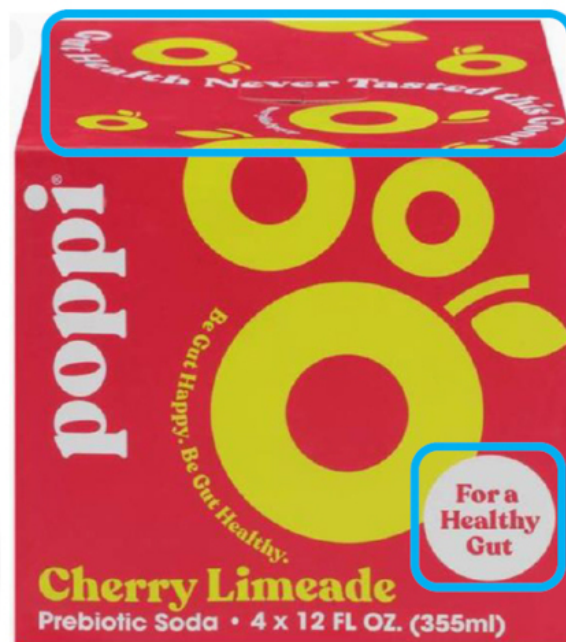


By **Gina Kim** $\frac{1}{3}$



The makers of Poppi prebiotic sodas face a proposed class action filed in California federal court accusing it of misleadingly advertising its products as being beneficial to overall health and gut health, despite that it's full of free and added sugar. (Court Documents)

In a 39-page **complaint** filed Monday, San Diego County resident Vanessa Jackson accused Texas-based VNGR Beverage LLC, the maker of Poppi sodas, of falsely claiming on its labels that the sugar-sweetened drinks are beneficial to overall health, namely, gut health.

Jackson takes issue with several statements found on Poppi's labels, including phrases like "for a healthy gut," "be gut healthy," "better for you prebiotic soda," "gut health never tasted this good," "bubbles with benefits," "immunity sidekick," and "prebiotics for a healthy gut."

Jackson said it's misleading for Poppi makers to tell shoppers to drink the soda for a healthy gut when most of its calories come from free and added sugars.

"First, Poppi is a sugar-sweetened beverage, containing up to 100% of its calories from free and added sugar, and there is a vast body of scientific evidence demonstrating that consuming sugar-sweetened beverages harms rather than supports overall health — and digestive health in particular," the complaint alleged.

Furthermore, the sodas only contain a negligible amount of fiber, which means that drinking it doesn't provide consumers with any material gut health benefits, Jackson said. The labels also leave out the fact that consuming too much free and added sugar is harmful and could damage gut health, the suit alleged.

The company's conduct isn't limited to its product labels, as Poppi also markets its wellness message and branding through its large internet following

across several social media platforms like Instagram, Facebook and TikTok.

Poppi's social media posts tout that the sodas support glowing skin, gut health, extra immunity boosts and could help with bloating, Jackson added. The company's founder even went on the Today Show to say that the product is a drink that tastes good and is good for consumers, the suit said.

However, Poppi makers have to be aware that consuming free and added sugar is harmful, but they routinely omit that information in its marketing and advertising, Jackson alleged.

Jackson said she started buying packs of Poppi sodas from myriad retailers like Sprouts, Ralphs, Costco and Smart & Final, according to the complaint. Jackson said the sodas she bought came in different flavors including cola, orange, strawberry lemon, ginger ale and root beer.

Jackson alleged that she bought Poppi after reading and believing the statements on the label touting the benefits to gut health. She said that she wouldn't have bought them or would've paid less for them had she known the representations were misleading.

The sugars in Poppi could negatively impact the immune system, and high sugar intake could disrupt the microbiota balance and contribute to increased inflammation, the suit said. Consuming sugar also affects the permeability of one's gut barrier, allowing adverse substances to enter and ultimately contribute to the development of metabolic disorders and cognitive dysfunction, Jackson alleged.

The suit asserts violations of California's Unfair Competition Law, False Advertising Law and Consumer Legal Remedies Act against the defendant, and also asserts claims for breach of express warranty and breach of implied warranty of merchantability on behalf of a putative class of Golden State consumers who bought the Poppi sodas.

She asks the court to certify the proposed class, appoint her attorneys as class counsel and order Poppi makers to disgorge its profits, and pay restitution, compensatory and punitive damages, along with attorney fees and costs.

Representatives for the parties did not immediately respond to inquiries seeking comment Wednesday.

Jackson is represented by Jackson Fitzgerald, Melanie R. Monroe, Trevor Flynn and Peter Grazul of Fitzgerald Monroe Flynn PC.

Counsel information for the defendant was not immediately available.

The case is Vanessa Jackson v. VNGR Beverage LLC, case number 3:24-cv-06666, in the U.S. District Court for the Northern District of California.

--Editing by Rich Mills.

All Content © 2003-2024, Portfolio Media, Inc.