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Food & Consumer Packaged Goods Litigation

Court Grants Motion to Dismiss

Murphy v. Stonewall Kitchen LLC, No. 1522-CC00481 (St. Louis City Cir. Ct.): The Court granted Defendant's motion to dismiss in this putative class action alleging violations of Missouri's Merchandising Practices Act ("MMPA") and unjust enrichment based on claims that Defendant's Vanilla Cupcake Mix is mislabeled as "all natural" when it contains synthetic ingredients such as sodium acid pyrophosphate ("SAPP"). The Court was persuaded by Defendant's argument that Plaintiff had not established a claim for deception or concealment under the MMPA because Plaintiff had not—and could not—allege Defendant's failure to disclose that its cupcake mix contained SAPP. This is because SAPP had always been included in the FDA-mandated list of ingredients that appears on the back of the package for Defendant's cupcake mix. Siding with federal courts in various jurisdictions (N.D. Cal., C.D. Cal., D. Mo., D. Minn.), the Court dismissed the claim after finding that Defendant had established the "ingredient list defense." Courts applying this defense have rejected a plaintiff's assertion that he or she was deceived by the use of a "natural" or "all natural" label, where the challenged ingredient was clearly listed in an otherwise federally compliant label. Under such circumstances, a plaintiff's assertion of deception is contradicted by defendant's full disclosure. The Court sided with jurisdictions that have adopted the rationale underlying the "ingredient list defense" because it found the use of the terms "natural" or "all natural" in food labeling were inherently ambiguous and thus without any generally understood and accepted meaning. The Court also dismissed the unjust enrichment claim, because it was derivative of the MMPA claim. Plaintiff is represented by Matthew Hall Armstrong. [Order.](#)

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