

Judge tosses suit claiming Quaker Oats misled customers because its 100% natural cereals contain glyphosate

A federal judge has tossed a high-profile lawsuit accusing Quaker Oats of misleading shoppers with 100% natural claims on products containing trace levels of the herbicide glyphosate, but it may be too early for parent company PepsiCo to crack open the champagne just yet, say legal experts.

While some attorneys we spoke to agreed with Illinois judge Charles Ronald Norgle that the claims were expressly pre-empted by federal law (the Food, Drug and Cosmetic Act or FDCA), others said Norgle was “flatly wrong,” and that the reasoning he used was so flawed that the case is very likely to be overturned on appeal.

In his August 14 order, Norgle said that, “because Congress has preempted the field of food labeling and because the presence of pesticides and chemical residues is governed by federal statute, plaintiffs cannot challenge Quaker Oats labeling under state or common law.”

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He went on to cite a paragraph from the FDA’s 2015 call for comments on defining the word ‘natural’ in which the agency said it had not considered things like pesticide residues when it came up with its policy on natural, which defined it as “nothing artificial or synthetic (including all color additives regardless of source) has been included in, or has been added to, a food that would not normally be expected to be in the food.”

The GLP aggregated and excerpted this article to reflect the diversity of news, opinion and analysis. Read full, original post: [Judge’s reasoning in Quakers Oats ‘100% natural’ glyphosate case is ‘flatly wrong,’ claims attorney](#)