

Winston Scores Victory in Dog Food Case

MAY 8, 2019

Winston scored a decisive victory for clients The J.M. Smucker Company and Ainsworth Pet Nutrition, LLC when we obtained dismissal of a false advertising class-action suit filed in the Southern District of New York. In litigation that is becoming more common, the plaintiff alleged that the “Natural” label on the Rachel Ray Nutrish brand of dog food was misleading because the food contained trace amounts of the weed killer glyphosate.

In his complaint, the plaintiff relied solely on the argument that any level of glyphosate rendered the “Natural” label false and misleading. In response, Winston attorneys filed a motion to dismiss arguing that the plaintiff did not allege that the dog food was made with unnatural ingredients and did not allege that the trace amounts of glyphosate were harmful.

District Court Judge Louis L. Stanton agreed, stating in his opinion: “A reasonable customer would not be so absolutist as to require that ‘natural’ means there is no glyphosate, even an accidental and innocuous amount, in the products.” He further opined that negligible amounts of glyphosate that do not have any harmful effects would be unlikely to affect a purchaser’s decision and dismissed the complaint in full. Winston was highlighted by [Law360](#) for this win.

The Winston team consists of Partner Ron Rothstein.

1 Min Read

Related Locations

Chicago

New York

Related Capabilities

Advertising Litigation

Commercial Litigation & Disputes

Related Professionals



Ronald Y. Rothstein