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BLOG

Water Bottle Manufacturer Springs Ahead in Microplastics Challenge

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On November 5, 2024, Danone Waters of America, LLC (Danone) achieved a notable legal victory, securing the dismissal of a putative class action alleging violations of Illinois and California consumer fraud statutes. The plaintiffs contended that Danone's labeling of Evian bottled spring water as "natural" was deceptive due to the alleged presence of microplastics. The United States District Court for the Northern District of Illinois granted Danone's motion to dismiss, finding the claims preempted by federal law.

At the heart of the case was the interplay between federal regulations and state consumer protection laws. The court highlighted that "spring water" is a term defined and regulated by federal standards. Under the preemption doctrine, state laws imposing labeling requirements inconsistent with or exceeding federal regulations are invalid. Specifically, the court relied on 21 U.S.C. § 343-1(a)(5) and related precedent establishing that state-imposed labeling requirements must be identical to federal standards.

In an attempt to avoid preemption, the plaintiffs argued that the term "natural" described the water's quality, independent of its source, and was therefore not governed by the federal definition of "spring water."[1] The court, however, observed that the federal regulations defining "spring water" inherently tied the term "natural" to the source of the water, making the two terms inseparable. The court noted that this linkage is evident from the regulatory language, which uses the word "natural" seven times and "each instance is used to describe the source of the 'spring water'"[2] and observed that "[a]s long as water comes from a 'natural spring' it can be labeled 'spring water,' and by extension 'natural.'"[3] The court thus concluded that the regulation "imposes no further requirement for the use of the word 'natural' in a label," and "any claim that imposes a requirement for use of the word 'natural' beyond proper identification of the water's source" is "thus preempted."[4]

DIVERGENCE FROM OTHER COURT DECISIONS

Significantly, the court's reasoning diverged from other recent decisions despite reaching the same ultimate conclusion. The court noted that other courts dismissing similar claims "based their findings on the general proposition that the federal 'bottled water' regulations (including the definition of 'spring water') do not mention microplastics" and that "absent mention of microplastics in the regulations, the regulations cannot impose any labeling requirements concerning the presence of microplastics in the water."[5]

Here, however, the court found that preemption applied not because the regulations were silent on microplastics, but because the federal definition of "spring water" fully encompasses its labeling requirements. In the court's view, labeling water as "spring water" as "natural" when it meets the federal definition regarding the ***source*** of that water cannot be challenged under state law, regardless of its microplastics ***content***.[6] This approach shifted the focus from what the regulation omits to what it explicitly defines, marking a nuanced but notable departure from prior rulings.

STRATEGIC TAKEAWAYS

The court's ruling underscores the critical role of federal preemption in limiting state-level challenges to labeling practices and highlights the complexities of regulating emerging environmental concerns like microplastics. By emphasizing the interdependence of "natural" and "spring water" in federal law, the court bolstered the ability of bottled water manufacturers to defend against claims that seek to impose new content-based labeling obligations.

Law clerk Vito Vang also contributed to this blog post.

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[1] *Daly v. Danone Waters of Am., LLC*, No. 24 C 2424, 2024 WL 4679086, at *1 (N.D. Ill. Nov. 5, 2024).

[2] *Id.*

[3] *Id.*

[4] *Id.*

[5] *Id.* at *2.

[6] *Id.*

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