

# Annie's Mac And Cheese Uses Harmful Chemical, Suit Says

By **Dave Simpson**

Law360 (April 1, 2021, 7:00 PM EDT) -- General Mills' Annie's macaroni and cheese products are advertised as "Made with Goodness!" when in fact they are made with ortho-phthalates, a chemical that is harmful if consumed, especially by pregnant women and children, according to a potential class action filed in New York federal court Thursday.

Shelby Franklin claims General Mills Inc. has admitted that it has tested its mac and cheese products and found that they do contain phthalates, which researchers have linked to asthma, breast cancer and Type 2 diabetes, among a slew of other health issues.

"Defendant uses a cute bunny as a 'mascot,' which appears on the products, along with a 'Bunny of Approval,' and the phrase 'Made with Goodness!'" the suit says. "Reasonable consumers ... value these claims for important reasons, including the belief that they are safer and healthier than alternative products that are not represented as organic or ones that are made with goodness."

But these claims are false and willfully malicious, Franklin said, because the products are in fact contaminated with phthalates.

Franklin seeks to represent thousands of nationwide consumers of the product. She's seeking unspecified damages and claiming violations of the New York General Business Law, a breach of express warranty, fraudulent concealment and unjust enrichment.

Franklin claims General Mills has known of the danger of phthalates for years but only recently did it acknowledge the hazard and "bury this significant information on the FAQ section of its website."

"Defendant also fails to mention in its FAQ on its website that in the past few years, researchers have linked phthalates to asthma, attention-deficit hyperactivity disorder, breast cancer, obesity and Type 2 diabetes, low IQ, neurodevelopmental issues, behavioral issues, autism spectrum disorders, altered reproductive development and male fertility issues," the suit said.

The suit notes that the European Food Safety Authority has warned about the intake of phthalates above a certain quantity. General Mills' FAQ notes that its mac and cheese products have been tested and "we know any trace of phthalates are below the EFSA standard," according to the suit.

The FAQ also says General Mills' "trusts" its suppliers to ensure that the chemical is eliminated from its products, the suit said.

"Defendant's concealment was material and intentional because people are concerned with what is in the food that they are putting into their bodies, as well as parents and caregivers being concerned with what they are feeding to the children in their care," the suit said.

Franklin is represented by Jason P. Sultzer, Joseph Lipari and Daniel Markowitz of the Sultzer Law Group PC and Charles E. Schaffer and David C. Magagna Jr. of Levin Sedran & Berman LLP.

Counsel information for General Mills was not immediately available Thursday.

The case is Franklin v. General Mills Inc., case number 2:21-cv-01781, in the U.S. District Court for the Eastern District of New York.

--Editing by Stephen Berg.

---

All Content © 2003-2021, Portfolio Media, Inc.