

Starbucks must face lawsuit over lack of fruit in its fruit drinks, New York judge rules

NEW YORK, NEW YORK, UNITED STATES, September 20, 2023 /EINPresswire.com/ -- A New York District Court judge on Monday rejected Starbucks' attempts to dismiss a lawsuit over its "refreshers" line of fruit drinks, which are missing some of the stated fruits advertised in their names, setting the stage for continued litigation over the global coffee chain's false advertising.

The complaint was filed by a California and New York plaintiff representing the respective state's class of consumers who were charged premium-rate prices for the drinks, which mainly consist of water, sugar and grape juice concentrate. Filed by [Robert Abiri](#), a litigator at the LA-based law firm

Custodio & Dubey LLP, the complaint notes the advertising and presentation of the drinks falsely leads consumers to conclude they contain real mango, acai and passion fruit.

The plaintiffs contend they would not have purchased the drinks or paid significantly less for them if they knew the drinks were made primarily from these cheap filler ingredients. Abiri said that using cheap ingredients while leading consumers to believe the drinks were top quality allowed Starbucks to collect a hefty premium on each purchase.

Starbucks sought to dismiss the case, claiming no reasonable consumer would expect the drinks to contain the fruits advertised, but just their flavors, and suggested that baristas could clear up any confusion if asked.

[U.S. District Judge John Cronan](#) explained that since some Starbucks drinks are named after their actual contents, such as an iced matcha latte containing matcha, it is reasonable to assume that



the Refreshers would include the fruits indicated in their names.

"Nothing before the court indicates that 'mango,' 'passionfruit,' and 'açai' are terms that typically are understood to represent a flavor without also representing that ingredient," Cronan said, [as reported by Reuters](#).

"We're very pleased with the Court's decision. It was a very thought-out and comprehensive decision agreeing with our theory," Abiri said. "As stated by Judge Cronan, 'the Court concludes that from the full context of the product names and advertising, a significant portion of the general consuming public could reasonably believe that the products contain the missing fruits, that a large portion of the general population would reasonably think that the named ingredients in these Refresher drinks would be included.'"

"We feel our clients' claims have merit and are prepared to demonstrate that through the remainder of the litigation," Abiri said.

The Starbucks' Refreshers named in the lawsuit include Mango Dragonfruit, Mango Dragonfruit Lemonade, Pineapple Passionfruit, Pineapple Passionfruit Lemonade, Strawberry Açai and Strawberry Açai Lemonade.

The case is Kominis et al v Starbucks Corp, U.S. District Court, Southern District of New York, Case Number 22-06673.

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Robert Abiri is of counsel at Custodio & Dubey LLP. He has focused his practice on all aspects of consumer litigation, from pre-litigation research and evaluation, through mediations and settlement conferences, and concluding in trials and appellate proceedings.

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