

A Natural Solution: Court Dumps Microplastic Suit for Lack of Scientific Evidence

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The U.S. District Court for the Northern District of Illinois recently dismissed a putative class action complaint alleging the term “natural” on Fiji Water bottle labels is false and misleading due to alleged microplastics contained in the water, because the plaintiffs failed to provide specific evidence to plausibly establish such contamination.^[1]

The plaintiffs brought a putative class action against The Wonderful Company LLC (TWC), a distributor and seller of Fiji Water, claiming, among other things, that TWC violated five state consumer protection laws by mislabeling its Fiji Water as “Natural Artisan Water” when the water they purchased in 2022 and 2024 allegedly contained microplastics. To support their allegations, the plaintiffs referenced two studies—both of which pre-dated plaintiffs’ purchases and did not involve Fiji Water bottles. The first study reviewed 11 brands of bottled water, but not Fiji Water, and found over 90% of water from these brands showed signs of microplastic contamination. The second study found that microplastic contamination in bottled water, but not specifically Fiji Water, was caused by opening and closing the bottles. The plaintiffs also generally cited studies finding that microplastics have toxic effects on marine life.

TWC sought dismissal on various grounds, including failure to state a claim for violations of the five state consumer protection statutes. Specifically, TWC argued that because the plaintiffs did not allege that they tested the Fiji Water for microplastics, they could not plausibly allege the Fiji Water contained microplastics such that the “natural” representation could truly be deceptive or fraudulent.

The court reasoned that, under each of the relevant consumer protection statutes, the plaintiffs had to allege the label was likely to deceive reasonable consumers. In this case, the alleged deception was calling the water “natural” despite allegedly containing microplastics. While the court acknowledged that it may not be reasonable to demand that the plaintiffs test the exact bottle of water they purchased for microplastics, the plaintiffs’ testing allegations here were too “bare” and “unsupported” to make their claims plausible.^[2]

The court noted that the plaintiffs’ claims may have been sufficient had they cited to “relatively contemporaneous tests of other bottles of Fiji Water.”^[3] But because the complaint only cited to testing on other brands of bottled water and on the mechanism through which microplastics may contaminate bottled water, the allegations were insufficient.^[4]

In a footnote, the court also questioned whether it could be misleading to call bottled water “natural” if it is post-purchase activity (twisting the lid open and shut) that causes microplastic contamination. Regardless, the court reasoned that if it were to allow the plaintiffs’ claims to move forward based on the plaintiffs’ non-specific testing allegations, it would “open the door” for any purchaser to survive the motion to dismiss stage simply by alleging the product they bought contained microplastics.^[5] Thus, the court concluded that the plaintiffs’ “conclusory and unsupported” allegation that Fiji Water is contaminated with microplastics was insufficient to plausibly allege the plaintiffs’ claims.^[6]

This decision provides key guidance for product manufacturers and distributors who may face microplastic consumer fraud allegations. First, it is important to critique and analyze whether a plaintiff’s alleged evidence—whether studies or testing—refers to the specific product at issue or a similar product. Further, the timing of the studies and testing and whether they are contemporaneous with the plaintiff’s purchase of the product may also be considered. Lastly, even if a plaintiff is able to point to a related study or testing of the specific product that is close in time to their purchase, it still may not be enough to provide a plausible claim if the allegations suggest it is plaintiff that may have caused post-purchase contamination.

[1] *Daly v. Wonderful Company, LLC*, No. 24 C 1267, 2025 WL 672913 (N.D. Ill. Mar. 3, 2025).

[2] *Id.* at *6.

[3] *Id.*

[4] *Id.*

[5] *Id.* at *7.

[6] *Id.*

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