

Parent Files Class Action Lawsuit Over Toxic Heavy Metals in Baby Food Products

NEW YORK – February 2, 2021 – A Staten Island mother of a one year-old boy just filed a class action lawsuit against major baby food manufacturers. The suit alleges that some of the most popular baby foods—often marketed as “organic”—contain dangerous levels of heavy metals. In some products, the level of dangerous heavy metals is two-hundred times the safe amounts.

Michelle Walls filed the suit on behalf of herself, her son, and all others similarly situated in the Federal District Court for the Eastern District of New York, on Wednesday, February 17, 2021.

The defendants in the case include some of the best-known and largest brands in the baby food business: Beech-Nut, Earth’s Best Organic, Gerber, Happy Family Organics, and Plum Organics.

The basis of the lawsuit is a February 4th report by the United States House of Representatives’ Subcommittee on Economic and Consumer Policy. The report found that these baby food brands contain elevated and/or dangerous levels of toxic heavy metals, including arsenic, cadmium, lead, and mercury. The FDA has set safety standards for the amount of heavy metals that can be found in water, candy, and juice—but not in specific baby foods—and the defendants’ products exceed that safety level enormously.

The Congressional report details multiple instances where the defendants knew these toxic elements exceed not only government safety guidelines, but their own internal standards.

This action is the first lawsuit filed against multiple defendants. It is also the first to allege violations and make claims on behalf of parents as well as their children. Violations on behalf of parents focus on their role as consumers: being fraudulently misled into purchasing products they were told were safe for their children. The claims on behalf of children focus on potential health consequences and medical monitoring needs. The complaint alleges violations of New York’s consumer protection statutes, and includes claims for intentional misrepresentation, negligent misrepresentation, fraudulent concealment, unjust enrichment, breach of warranty, negligence, gross negligence, and strict products liability.

The House report notes that exposing children to toxic heavy metals can cause a permanent decrease in IQ, an increased risk of future criminal and antisocial behavior, and “untreatable and frequently permanent” brain damage. Ms. Wall is now having her

son tested. But unfortunately, a full seven vials of blood are needed to test for these heavy metals—a difficult and sometimes painful experience for any child.

The plaintiffs' attorney Pollock Cohen LLP said, "For years, these baby food companies have known that their products contained high levels of toxic heavy metals. That's unacceptable, and we intend to hold these companies accountable."

To read the February 4th report by the United States House of Representatives' Subcommittee on Economic and Consumer Policy, click on the link to the right.