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Miami-Based Marinade Maker Sued Over 'All Natural' Claims

By **Nathan Hale**

Law360 (November 30, 2018, 8:03 PM EST) -- A Miami company that says it was the first in the U.S. to bottle Cuban "mojo" marinade for mass distribution has found itself the subject of a putative class action in Florida state court that claims the company is misleading consumers by labeling a new version of the product "all natural."

Plaintiff Thomas Williams claims La Lechonera Products Inc. is making misrepresentations and omissions in labeling its Natural Mojo Marinade products "All Natural" and as having "No Preservatives" because of the inclusion of canola oil and citric acid, according to his complaint filed Nov. 26 in the Eleventh Judicial Circuit Court of Florida.

"The products' 'All Natural' and 'No Preservatives' claims are false, deceptive, and likely to mislead consumers because the products contain the preservatives and are comprised of synthetic, artificial, and/or genetically modified ingredients," Williams alleges.

Williams characterizes canola oil as a heavily processed product that is unnatural and says citric acid, despite its name, is no longer extracted from citrus fruit but made through industrial manufacturing by fermenting "genetically mutant strains" of a black mold fungus.

Citric acid is also classified as a preservative by the U.S. Food and Drug Administration, according to the complaint.

Williams says he purchased the product at two supermarkets in Miami during the class period. He said he reasonably relied on the labels because of the company's "strategic branding in the marketplace as a health-conscious food company."

He is seeking to form a class of all persons who purchased one or more of the La Lechonera "natural" products in Florida for personal use during the four years prior to the filing of the complaint through the start of class notification.

The complaint estimates the class would easily consist of at least 100 members and likely would number in the thousands based on estimated annual sales of the product across the state.

The case brings claims for violation of Florida's Deceptive and Unfair Trade Practices Act, breach of express warranty and unjust enrichment

La Lechonera Products is a family-owned company founded in 1970 and now under its third generation of ownership, according to the company website.

The family operated a popular restaurant chain under the "La Lechonera" name in the Miami area in the 1960s, specializing in pork dishes. When customers started asking for samples of the marinade, they decided to bottle it for sale, according to the website.

In addition to its original mojo criollo marinating sauce, the company also sells tropical lemon blend and sour orange varieties, in addition to the "La Lechonera Natural Mojo" that is the target of Williams' suit.

The company says this “latest version” of its product “gives you the same great flavor of our original mojo criollo, but there is no msg, no preservatives, and no artificial colors.”

The company and counsel for Williams did not immediately respond to requests for comment late Friday.

Williams is represented by The Law Offices of Alexander J. Korolinsky PA and by Joshua H. Eggnatz and Michael J. Pascucci of Eggnatz Pascucci.

Counsel information for La Lechonera was not immediately available Friday.

The case is Williams v. La Lechonera Products Inc., case number 2018-39361-CA-01, in the Eleventh Judicial Circuit Court of the State of Florida.

--Editing by Orlando Lorenzo.

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