

Joint Juice Is 'Snake Oil,' Not Health Aid, Jurors Hear

By **Bonnie Eslinger**

Law360 (May 23, 2022, 11:52 PM EDT) -- A Post Holdings Inc. subsidiary is selling "snake oil" in the form of a dietary supplement called Joint Juice, with false health benefit claims supported by "hacks and quacks," a lawyer for a consumer told jurors Monday at the start of a consumer class action trial in California federal court.

Eugene G. Iredale of Iredale & Yoo APC kicked off the trial by telling jurors that Premier Nutrition Corp. is taking advantage of a scientifically-debunked theory that glucosamine hydrochloride can alleviate arthritis and other joint pain.

"Regrettably, what you will learn is there is no cure for arthritis," Iredale said.

Studies that support the use of glucosamine hydrochloride for joint pain and stiffness are backed by those who have a financial incentive, the lawyer said.

The packaging for Joint Juice highlights the 1,500 milligrams of glucosamine hydrochloride and another active ingredient, chondroitin sulfate, found per serving, and their supposed health benefits, he said.

Joint Juice is also backed by millions of dollars in marketing, Iredale added.

But for more than a decade, the mainstream medical consensus has been that glucosamine does nothing for the treatment of arthritis and joint pain, he said.

"By 2010, every reasonable person, based on the scientific evidence, knew this was no good. This was, in fact, snake oil," Iredale said.

Joint Juice's marketing has targeted people with arthritis while using more limiting language, such as "Use daily for healthy flexible joints," on its packaging to evade scrutiny from the U.S. Food and Drug Administration, Iredale told jurors.

In "tiny writing," the product has the FDA-required disclaimer that the product is not intended to diagnose, treat, cure, or prevent any disease.

But contradicting that is "everything else they did in their advertising and everything else they did in marketing their product," Iredale said.

When it was time for the defendant's opening remarks, Jessica Grant of Morrison & Foerster LLP said it wasn't true that Premier is marketing Joint Juice based on claims that it can't substantiate.

Iredale's opening was "designed to make you upset, to make you think my client is out there peddling snake oil and ripping consumers off," Grant said. "The story you heard is not true."

Glucosamine and chondroitin do provide joint health benefits, the lawyer said, and there are dozens of independent studies to prove that.

"Plaintiff's counsel told you, 'Premier relies on hacks and quacks,'" Grant said. "These are studies published in prestigious medical journals and scientific literature."

Joint Juice was developed by Dr. Kevin Stone, an esteemed San Francisco orthopedist, who is also the U.S. Ski Team doctor, Grant said.

While the FDA has sent warning letters to a number of Premier's competitors about their claims related to glucosamine, the agency has never sent a warning letter to the company about any of the claims on the Joint Juice label, the lawyer said.

"We've never said on the label that Joint Juice can be used to treat arthritis or pain or osteoarthritis," Grant told jurors.

The lawyers behind the consumer class action have also pointed to a statement made on the Joint Juice label saying purchases benefit the Arthritis Foundation as nefarious.

"They claim that somehow seeing that, consumers will think, 'Oh, because Premier donates to the Arthritis Foundation, that must mean if I drink Joint Juice it will cure my arthritis or my joint pain,'" Grant said.

Toward the end of her remarks, Grant took aim at Mary Beth Montera, the lead plaintiff in the case, saying the evidence will show she didn't buy it because of the advertising, but because of a friend's recommendation.

Further, Montera only learned about the false advertising claims after she saw a sponsored post on Facebook from the lawyers now representing her, Grant said.

In her complaint, the New York resident accuses Premier of marketing Joint Juice with false claims that the product will support and nourish cartilage, lubricate joints and improve joint comfort.

Stone's Joint Juice Inc. sold the product nationwide starting in 1999. The company was acquired by Premier in 2011, and Premier was then purchased by Post Holdings in 2013.

Class members are persons who purchased Joint Juice in New York from December 2013 to December 2021. The suit claims violations of New York's false advertising laws.

Mary Beth Montera is represented by Eugene G. Iredale and Grace Jun of Iredale & Yoo APC and Leslie E. Hurst, Thomas Joseph O'Reardon and Timothy G. Blood of Blood Hurst & O'Reardon LLP.

Premier Nutrition Corp. is represented by Angel A. Garganta, Amit Rana, Antonia Isabella Stabile,

Christopher J.C. Waldon and Steven E. Swaney of Venable LLP and Jessica L. Grant of Morrison & Foerster LLP.

The case is Mary Beth Montera v. Premier Nutrition Corp., case number 3:16-cv-06980, in the U.S. District Court of California, for the Northern District (San Francisco).

--Editing by Jay Jackson Jr.

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