

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Magpayo v. Walmart Inc.

Magpayo · No. 24-cv-01350-WHO · Decided March 10, 2025

SUMMARY

The United States District Court for the Northern District of California granted Walmart’s motion to dismiss Pearl Magpayo’s Second Amended Complaint concerning “heart health” claims on Spring Valley fish oil supplement labels. The court held that the complaint failed to identify matched scientific evidence showing that omega-3 supplements provide no benefit to heart health or cause atrial fibrillation at the products’ recommended dosage. The claims were dismissed with prejudice.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	William H. Orrick
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 10, 2025
DOCKET	24-cv-01350-WHO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss the Second Amended Complaint under the pleading standards governing false-or-misleading structure/function claims for dietary supplements.
STANDARD OF REVIEW	The court evaluated the amended complaint under the standards governing a motion to dismiss, asking whether plaintiff plausibly alleged a non-preempted, false-and-misleading structure/function claim supported by matched evidence.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- consumer protection
- deceptive trade practices
- motions to dismiss
- pleadings
- fda regulation

PRACTICE AREAS

- consumer protection
- food and dietary supplement labeling
- civil procedure

QUESTIONS PRESENTED

1. Whether the Second Amended Complaint plausibly alleged a false-and-misleading structure/function claim by identifying matched scientific evidence showing that taking the products provides no benefit to heart health.
2. Whether studies involving high or unspecified doses plausibly showed that use of the products at their recommended dose increased the risk of atrial fibrillation.
3. Whether plaintiff's related express-warranty, implied-warranty, negligent-misrepresentation, intentional-misrepresentation, and injunctive-relief claims survived if the underlying structure/function claim failed.

HOLDINGS

1. A plaintiff challenging a dietary supplement's structure/function claim must allege that taking the supplement provides no benefit for the challenged function and cite identified scientific evidence or conclusions matched to that allegation. Plaintiff's studies did not identify evidence showing that omega-3 fish oil provides no benefit to heart health, so the claim was inadequately pleaded.
2. Plaintiff did not plausibly allege that use of Walmart's products at the recommended level increased the risk of atrial fibrillation because the cited studies involved high or unspecified doses and did not match the products' recommended use.
3. Because plaintiff failed to adequately allege the underlying false-and-misleading structure/function claim, her express- and implied-warranty, negligent- and intentional-misrepresentation, and injunctive-relief claims also failed.

KEY QUOTATIONS

“Under the law in this Circuit, in order to plead a structure/function claim as she attempts to do here, she must allege that taking omega 3 fish oil supplements provides no benefit for “heart health” and support that allegation by citing “matched evidence” from identified scientific studies.” (at 1)

“Matching evidence here would be evidence or a conclusion in an identified scientific source that taking omega 3 fish oil supplements provides “no benefit” to heart health.” (at 3)

“Despite having been given leave to amend to attempt to satisfy her pleading burden, plaintiff has failed to adequately allege a false and misleading structure/function claim as required to state a not-preempted consumer protection claim under California law.” (at 9)

FACTUAL BACKGROUND

Plaintiff challenged statements on Walmart's Spring Valley Fish Oil Omega-3 supplement labels, including that fish oil supports heart health and the use of the words "Heart Health" and a heart symbol. She relied on scientific studies and clinical trials concerning cardiovascular disease, adverse cardiovascular events, inflammatory markers, and atrial fibrillation. The court found that the cited evidence either did not establish that the supplements provided no benefit to heart health or addressed high or unspecified doses rather than the dose recommended on Walmart's products.

PROCEDURAL HISTORY

Plaintiff challenged Walmart's labeling and advertising of Spring Valley Fish Oil Omega-3 dietary supplements. In an October 2024 order, the court granted leave to amend after concluding that the First Amended Complaint pleaded only preempted implied-disease claims. Plaintiff filed a Second Amended Complaint asserting a structure/function theory, but the court concluded that it still failed to plead the required matched scientific evidence and granted Walmart's motion to dismiss with prejudice.

DISPOSITION

dismissed

CASES CITED

- Kroessler v. CVS Health Corp., 977 F.3d 803, 812-13 (9th Cir. 2020)
- Greenberg v. Target Corp., 985 F.3d 650, 655 (9th Cir. 2021)
- Dachauer v. NBTY, Inc., 913 F.3d 844, 849 (9th Cir. 2019)
- Gallagher v. Bayer AG, No. 14-CV-04601-WHO, 2015 WL 4932292, at *5 (N.D. Cal. Aug. 18, 2015)
- Krommenhock v. Post Foods, LLC, 255 F. Supp. 3d 938, 963 (N.D. Cal. 2017)
- Hamzeh v. Pharmavite LLC, Case No. 4:24-CV-00472-HSG, ECF No. 55 (N.D. Cal. Feb. 26, 2025)
- Bowler v. Nestlé Health Science U.S., LLC, No. 2:24-cv-06521-MCS-JPR (C.D. Cal.)

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