UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Monica Castro, et al. v. Abbott Laboratories, Inc.

No. 25 CV 377 (N.D. Ill. Jan. 23 2026) · No. No. 25 CV 377; 1:25-cv-00377 · Decided January 23, 2026

SUMMARY

The United States District Court for the Northern District of Illinois ruled on Abbott Laboratories, Inc.'s motion to dismiss claims concerning the labeling and advertising of Similac toddler drinks. The court allowed the state consumer-protection claims, unjust-enrichment claim, and implied-warranty claim to proceed, while dismissing the express-warranty, intentional-misrepresentation, and negligent-misrepresentation claims. The court also declined at this stage to dismiss the request for injunctive relief.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Jeremy C. Daniel
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	January 23, 2026
DOCKET	No. 25 CV 377; 1:25-cv-00377
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs asserted state-law consumer-protection, false-advertising, warranty, unjust-enrichment, and misrepresentation claims concerning Abbott toddler formula products. Abbott moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), including a challenge to standing for injunctive relief.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in favor of the nonmoving party, and asks whether the complaint plausibly states a claim for relief. Fraud allegations must satisfy Rule 9(b)'s particularity requirement. The court treated the Rule 12(b)(1) standing challenge to injunctive relief as a challenge to whether the complaint plausibly alleged entitlement to relief at the pleading stage.

PRECEDENTIAL VALUE	unpublished district court order

TOPICS

consumer protection · deceptive trade practices · motions to dismiss · pleadings · contracts

PRACTICE AREAS

consumer protection · false advertising · products liability · civil procedure · contracts

QUESTIONS PRESENTED

1. Whether the plaintiffs plausibly alleged that Abbott's labeling and advertising could deceive a reasonable consumer under the consumer-protection and false-advertising laws of the nine states identified in the complaint.
2. Whether the plaintiffs pleaded the alleged labeling fraud with particularity under Federal Rule of Civil Procedure 9(b).
3. Whether the plaintiffs stated a claim for unjust enrichment.
4. Whether the plaintiffs stated a claim for breach of express warranty.
5. Whether the plaintiffs stated a claim for breach of the implied warranty of merchantability.
6. Whether the plaintiffs stated claims for intentional and negligent misrepresentation.
7. Whether the court should dismiss the request for injunctive relief for lack of standing at the motion-to-dismiss stage.

HOLDINGS

1. The plaintiffs adequately pleaded their fraud-based claims with particularity by identifying who allegedly committed the fraud, what the alleged fraud was, when and where it occurred, and how Abbott allegedly used the labeling and packaging to mislead consumers.
2. The plaintiffs plausibly alleged that a reasonable consumer could be deceived into believing that Abbott's Stage 3 toddler formula was the nutritionally recommended next product after infant formula; dismissal was therefore unwarranted at the pleading stage.
3. The plaintiffs plausibly alleged that Abbott's front-label health representations could mislead reasonable consumers despite sugar disclosures elsewhere on the product, so the added-sugar theory survived dismissal.
4. The unjust-enrichment claim in Count XIII was adequately pleaded because the statutory consumer-protection claims on which it rested also survived dismissal.
5. Count XI failed because the plaintiffs did not allege that Abbott's affirmations or descriptions on the cans were themselves false or that the products failed to conform to them.
6. Count XII was adequately pleaded because the allegation that regular consumption of the toddler drinks was detrimental rather than beneficial to toddler health plausibly alleged that the products were not fit

for their ordinary nutritional purpose.

7. Counts XIV and XV failed because the plaintiffs did not identify a false statement of material fact; allegations that otherwise nonfalse statements created an incorrect overall impression about the products' healthiness were insufficient.
8. The court declined to dismiss the request for injunctive relief at the pleading stage because a remedy is not a standalone claim and the complaint plausibly alleged claims for relief.

KEY QUOTATIONS

> *"A Rule 12(b)(6) motion tests whether the plaintiff has provided "enough factual information to state a claim to relief that is plausible on its face" and has raised a right to relief above the speculative level.""* (Legal Standard)

> *"A reasonable consumer is not expected, under law, to "test prominent front-label claims by examining the fine print on the back label.""* (Labeling Statements and Sugar Content)

> *"A remedy is not a claim, however, and at the motion to dismiss stage the question is "simply whether the complaint includes factual allegations that state a plausible claim for relief.""* (Injunctive Relief)

FACTUAL BACKGROUND

Abbott manufactures and distributes Similac toddler formula products, including Go & Grow Toddler Drink and Pure Bliss Toddler Drink. Plaintiffs purchased the products for toddler-age children and alleged that the products' Stage 3 labeling, visual similarity to infant formula cans, and placement near infant formula could lead reasonable consumers to view them as the nutritionally recommended next step after infant formula. Plaintiffs also alleged that front-label representations about health benefits were misleading because the products contained added sugars that allegedly made regular consumption detrimental rather than beneficial to children's health.

PROCEDURAL HISTORY

The plaintiffs filed an amended complaint alleging that Abbott's toddler formula labeling and advertising falsely conveyed that the products were the nutritionally recommended next stage after infant formula and deceptively emphasized health benefits while omitting the alleged health risks of added sugar. Abbott moved to dismiss. The court granted the motion as to Counts XI, XIV, and XV, denied it as to Counts I through X, XII, and XIII, allowed any amended complaint by February 13, 2026, and ordered Abbott to answer the operative complaint by March 6, 2026.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Any amended complaint was due February 13, 2026, and Abbott was ordered to answer the operative complaint by March 6, 2026.

CASES CITED

- Virnich v. Vorwald, 664 F.3d 206, 212 (7th Cir. 2011)
- Haywood v. Massage Envy Franchising, LLC, 887 F.3d 329, 333 (7th Cir. 2018)
- Camasta v. Jos. A. Bank Clothiers, Inc., 761 F.3d 732, 736 (7th Cir. 2014)
- Lax v. Mayorkas, 20 F.4th 1178, 1181 (7th Cir. 2021)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 558 (2007)
- United States ex rel. Presser v. Acacia Mental Health Clinic, LLC, 836 F.3d 770, 776 (7th Cir. 2016)
- United States ex rel. Lusby v. Rolls-Royce Corp., 570 F.3d 849, 853 (7th Cir. 2009)
- Troutt v. Mondelēz Glob. LLC, 637 F. Supp. 3d 606, 613–14 (S.D. Ill. 2022)
- Mullins v. Direct Digit., LLC, 795 F.3d 654, 673 (7th Cir. 2015)
- Bell v. Publix Super Mkts., Inc., 982 F.3d 468, 475, 477–78 (7th Cir. 2020)
- Martelli v. Rite Aid Corp., No. 21-CV-10079 (PMH), 2023 WL 2058620, at *2, *5 (S.D.N.Y. Feb. 16, 2023)
- AnchorBank, FSB v. Hofer, 649 F.3d 610, 614 (7th Cir. 2011)
- Caremark, Inc. v. Coram Healthcare Corp., 113 F.3d 645, 648 (7th Cir. 1997)
- Moorman Mfg. Co. v. Nat'l Tank Co., 435 N.E.2d 443 (Ill. 1982)
- Taillard v. Mercedes-Benz USA, LLC, 2025 WL 2549940, No. 24-62173-CIV-DAMIAN/Valle, at *10 (S.D. Fla. Sep. 9, 2025)
- Snyder v. Farnam Cos., Inc., 792 F. Supp. 2d 712, 720 (D.N.J. 2011)
- Hasek v. DaimlerChrysler Corp., 745 N.E.2d 627, 634 (Ill. 2001)
- Rao v. BP Prods. N. Am., Inc., 589 F.3d 389, 401 (7th Cir. 2009)
- Capiccioni v. Brennan Naperville, Inc., 791 N.E.2d 553, 562 (Ill. App. 2d Dist. 2003)
- Ash v. PSP Distrib., LLC, 226 N.E.2d 748, 755 (Ill. App. 1st Dist. 2025)
- Stubenfield v. Chi. Hous. Auth., 6 F. Supp. 3d 779, 782 (N.D. Ill. 2013)
- Retired Chi. Police Ass'n v. City of Chi., 76 F.3d 856, 862 (7th Cir. 1996)
- Bazile v. Fin. Sys. of Green Bay, Inc., 983 F.3d 274, 278 (7th Cir. 2020)
- BBL, Inc. v. City of Angola, 809 F.3d 317, 325 (7th Cir. 2015)
- Bontkowski v. Smith, 305 F.3d 757, 762 (7th Cir. 2002)