

COURT OF APPEALS OF GEORGIA

Taylor v. Mood Rite, LLC

A26A0725 · No. A26A0725 · Decided May 15, 2026

SUMMARY

The Georgia Court of Appeals affirmed summary judgment for Mood Rite, LLC, Magic Vapor, LLC, Jastinder Thind, and Gurmeet Josan in a product-liability and negligent-failure-to-warn action arising from the death of a consumer who ingested kratom. The court held that Mood Rite was a product seller rather than a manufacturer under OCGA § 51-1-11.1 and that the record did not create a genuine issue of material fact regarding Mood Rite’s actual or constructive knowledge that kratom could cause death. The court also affirmed summary judgment for the other defendants because the claims against them were dependent on the claims against Mood Rite.

CASE DETAILS

COURT	Court of Appeals of Georgia
WRITING FOR THE COURT	Davis, J.; Doyle, P. J.; Senior Judge C. Andrew Fuller
JURISDICTION	Court of Appeals of Georgia
DECIDED	May 15, 2026
DOCKET	A26A0725
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from orders granting summary judgment to the defendants in a product-liability and negligent-failure-to-warn action arising from the death of the Taylors' son after he ingested kratom.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, with the evidence and all reasonable conclusions and inferences viewed in the light most favorable to the nonmovant.
PRECEDENTIAL VALUE	Published opinion of the Court of Appeals of Georgia.
PARTIES	James Taylor, Lori Taylor v. Mood Rite, LLC, Magic Vapor, LLC, Jastinder Thind, Gurmeet Josan

TOPICS

- products liability
- strict liability
- negligence
- summary judgment
- appellate procedure

PRACTICE AREAS

products liability

negligence

personal injury

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Mood Rite was a manufacturer subject to strict liability under OCGA § 51-1-11 despite merely selecting, repackaging, branding, and labeling kratom supplied by another entity.
2. Whether the evidence created a genuine issue of material fact regarding Mood Rite's actual or constructive knowledge that kratom consumption could cause death, sufficient to support a negligent-failure-to-warn claim.
3. Whether summary judgment was properly granted to Magic Vapor, Thind, and Josan because the claims against them were dependent on the claims against Mood Rite.

HOLDINGS

1. An entity that merely repackages and labels an existing product, without input into the product's design, manufacture, or assembly, is a product seller rather than a manufacturer under OCGA § 51-1-11.1 and is not subject to Georgia's strict-liability rule for manufacturers. Mood Rite therefore was not a manufacturer of the kratom products.
2. The evidence did not create a genuine issue of material fact that Mood Rite knew or, through reasonable developed human skill and foresight, should have known before Brendan Taylor's death that consuming kratom could cause death. Summary judgment on the negligent-failure-to-warn claim was therefore proper.
3. Summary judgment was properly granted to Magic Vapor, Thind, and Josan because the Taylors' claims against Magic Vapor were identical to and dependent on the claims against Mood Rite, and the substantive claims against Mood Rite failed.

KEY QUOTATIONS

“Under OCGA § 51-1-11.1, a product seller is not a manufacturer and this includes a seller who merely labels a product as its own prior to sale.” (at 7)

“The seller is required to warn if he has knowledge, or by the application of reasonable, developed human skill and foresight should have knowledge of the danger.” (at 10)

“It is axiomatic that the burden is on the appellant to establish error from the record and this burden is not satisfied by mere assertions in the appellate brief.” (at 12)

FACTUAL BACKGROUND

Mood Rite purchased kratom powder and capsules from Worldwide Manufacturing, repackaged them in Mood Rite containers, and applied labels designed by Mood Rite. The labels warned that the product was not FDA-approved and that the FDA considered kratom unfit for human consumption, but supplied no directions for use. Brendan Taylor died of acute mitragynine toxicity after ingesting Mood Rite's kratom product, and his parents alleged strict-liability and negligent-failure-to-warn claims. The Taylors relied on FDA and DEA materials,

medical literature, reported deaths, customer complaints, and potency discrepancies to argue that Mood Rite knew or should have known kratom could cause death.

PROCEDURAL HISTORY

The Taylors sued Mood Rite and other defendants after their son died of acute mitragynine toxicity following ingestion of Mood Rite's kratom product. The trial court granted summary judgment on the strict-liability and negligent-failure-to-warn claims to Mood Rite, Magic Vapor, Thind, and Josan, and the Taylors appealed. The Court of Appeals affirmed all challenged orders.

DISPOSITION

affirmed

CASES CITED

- Wadley v. Mother Murphy's Lab'ys, Inc., 357 Ga. App. 259, 260 (850 SE2d 490) (2020)
- Bright v. Sandstone Hospitality, LLC, 327 Ga. App. 157, 157-58 (755 SE2d 899) (2014)
- Boyce v. Gregory Poole Equip. Co., 269 Ga. App. 891, 894(1)(b) (605 SE2d 384) (2004)
- Alltrade, Inc. v. McDonald, 213 Ga. App. 758, 759 (445 SE2d 856) (1994)
- Buford v. Toys R Us, Inc., 217 Ga. App. 565, 566(1) (485 SE2d 373) (1995)
- Robinson v. Kroger Co., 268 Ga. 735, 739(1) (493 SE2d 403) (1997)
- Bishop v. Farhat, 227 Ga. App. 201, 206(6) (489 SE2d 323) (1997)
- Stiltjes v. Ridco Exterminating Co., 192 Ga. App. 778, 780 (386 SE2d 696) (1989)
- Benchmark Rehabilitation Partners, LLC v. SDJ Logistics, LLC, 367 Ga. App. 203, 205(4) (885 SE2d 224) (2023)
- Sheffield v. Darby, 244 Ga. App. 437, 437(1) (535 SE2d 776) (2000)
- Hipster, Inc. v. Augusta Mall Partnership, 291 Ga. App. 273, 276(2) (661 SE2d 652) (2008)