

# South Florida Business Journal

Oct 25, 2013

## Sunrise manufacturer loses split decision in mislabeled protein powder case

Natrol, maker of ProLab protein powder, won \$3.27 million in a case against Nature's Products Inc., but was also ordered to pay \$750,000 in invoices.

by Kevin Gale

California nutritional supplement company Natrol has won a \$3.27 million award against contract manufacturer Nature's Products Inc. (NPI) of Sunrise.

The case involved 12 varieties of ProLab protein powder sold by Natrol that contained wheat and gluten, contrary to the product labels. Some people are allergic to those substances and the FDA ordered a recall of the products after an investigation in 2011.

Natrol won on a counterclaim while plaintiff NPI won \$750,000 over unpaid invoices.

After a jury trial, U.S. District Judge William P. Dimitrouleas issued an order that NPI committed a breach of contract, breach of express warranty and breach of implied warranty of merchantability.

“This is a matter that should have been amicably resolved two years ago, but NPI refused to accept its responsibility for manufacturing the defective, recalled products,” Joseph A. Sacher, the Miami-based lead attorney for Natrol, said in a press release.

Sacher is a partner with Sacher, Zelman, Hartman, Paul, Beiley & Sacher, P.A.

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