

[Dreamfields Low-Carb Pasta Maker Reaches \\$8M Class Action Settlement](#)

The makers of Dreamfields pasta reached a \$7.9 million class action settlement on Monday over claims that the low-carb pasta was falsely advertised as containing fewer digestible carbohydrates and having a lower glycemic index than traditional pasta.

Lead plaintiffs Joseph Mirakay, Louis Messina, Michael Elefterakis, and John Gembinski filed the Dreamfields pasta class action lawsuit against Post Holdings and Dakota Growers in July of 2013, alleging that the companies advertised their low-carb pasta product as a “low-glycemic index and low-carbohydrate alternative to traditional pasta.”

According to the class action lawsuit, however, independent testing revealed that Dreamfields pasta contained the same amount of digestible carbohydrates as regular pasta, but cost twice as much. The study cited in the Dreamfields class action lawsuit also concluded that the glucose response of the test subjects who ate Dreamfields low-carb pasta and traditional pasta “was essentially identical.”

The companies began selling Dreamfields low-carb pasta in 2004 and the plaintiffs allege that the underlying data that the companies claimed backed up Dreamfields’ health claims were never released and the company offered only press releases as evidence that studies backed up the health claims. The plaintiffs brought claims on behalf of a nationwide class of consumer who purchased Dreamfields pasta for violations of the New Jersey Consumer Fraud Act, breach of contract and breach of express and implied warranty and on behalf of various subclasses under other state consumer protection laws.

The proposed Dreamfields pasta settlement, entered April 14, will provide \$5 million in refunds to Settlement Class Members who purchased Dreamfields pasta since 2004. Class Members who purchased Dreamfields online will automatically receive reimbursement of \$1.99 for each box purchased. Those who purchased the pasta products in stores will have to submit a claim to receive \$1.99 for each box of Dreamfields purchased, up to a total of 15 boxes (\$29.85).

The Dreamfields class action settlement is capped at \$5 million and any remaining money that’s not claimed will be awarded to the American Diabetes Association. Post and Dakota will also be enjoined from making the disputed health claims on Dreamfields pasta labels for one year. The plaintiffs’ attorneys will be awarded \$2.9 million in fees separate from the \$5 million to be awarded to Class Members.

The plaintiff’s motion for the class action settlement has not yet been approved by a judge. During the discovery process, the parties agreed to mediate before U.S. District Court Judge Garrett E. Brown, Jr.

Mediation with Judge Brown took place in December in New York. According to the plaintiffs’ motion, “Judge Brown pronounced the relief obtained by the Plaintiffs ‘extraordinary.’” The plaintiffs also argue in their settlement motion that “[t]his session resulted in the Settlement, which Plaintiffs and Class Counsel believe provides substantial injunctive and monetary benefits, is fair, reasonable, and adequate, and is in the best interests of Plaintiffs and the Settlement Class Members.”

The plaintiffs also point out that “[a]lthough the case is in an early stage of the litigation, plaintiffs have conducted extensive discovery into defendant’s advertising and sales of Dreamfields pasta as well as the scientific support or its product claims,” and “before reaching the proposed settlement, class counsel had conducted an extensive review of the legal and factual issues and are well equipped to evaluate the strengths and weaknesses of plaintiffs’ claims.”

Details on how to file a claim for the Dreamfields pasta class action settlement were not immediately available. Keep checking TopClassActions.com or [sign up for our free newsletter](#) for the latest updates. You can also mark this article as a “Favorite” using your [free Top Class Actions account](#) to receive notifications when this article is updated.

The plaintiffs are represented by Brian D. Penny of Goldman Scarlato Karon & Penny PC, William B. Federman of Federman & Sherwood, John Zaremba of Zaremba Brownell & Brown PLLC and Charles W. Branham III of Branham Law Group LLP.

The **Dreamfields Pasta Class Action Lawsuit** is *Mirakay, et al. v. Dakota Growers Pasta Co. Inc., et al.*, Case No. 3:13-cv-04429, in the U.S. District Court for the District of New Jersey.