

All Tapped Out

By Reg P. Wydeven
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When I was in high school, my parents got a new refrigerator. This was the first fridge I ever saw that had a water and ice dispenser in it. It was a technological marvel that you could press your glass against a lever and ice-cold water would come out. And if you wanted, you could slide your glass over to the other lever and have your drink on the rocks.

Before that fridge, if we wanted a glass of water, we had to fill our glass from the sink. And you had to let the water run for a while before it got cold. The fridge spoiled us, but it was still water from the tap.

Today, my kids will have friends over and I'll offer them a drink of water. Many will respond in horror, "From the tap?," and look like I planned on filling their glass from the toilet. These days it seems that people, especially kids, will only drink water from a bottle and only if the water was melted from a glacier from the North Pole.

People take their water pretty seriously, which is why a recently filed lawsuit against Nestlé is not too surprising.

Earlier this month, eleven consumers filed suit against Nestlé Waters North America, Inc. in federal court in Connecticut. According to the 325-page complaint, the company's Poland Spring brand of bottled water, touted as being "100% Natural Spring Water," is a "colossal fraud."

Much to my surprise, the U.S. Food and Drug Administration actually defines "spring water," which consumers equate to a higher quality, and a corresponding higher price tag. To be considered "spring water," it must "be collected only at the spring or through a bore hole tapping the underground formation feeding the spring." The plaintiffs contend that based on this definition, not "one drop" of Poland Spring should be considered "spring water," seeing as the eight sites used by Nestlé to collect its water allegedly do not qualify since they are "phony" and "man-made."

The suit further alleges that the water in Poland Spring bottles isn't "collected from pristine mountain or forest springs as the images on those labels depict." Instead, they are filled with "ordinary groundwater" collected from wells drilled in "saturated plains or valleys where the water table is within a few feet of the earth's surface."

As a result, the plaintiffs are seeking class action status for their lawsuit and at least \$5 million in damages for false advertising, deceptive labeling, breach of contract and several other claims. They feel the \$5 million in damages is warranted because Nestlé used "false and deceptive product labels" to overcharge consumers since the company first began bottling Poland Spring in 1993.

According to a spokesperson from Nestlé, the claims are without merit because "Poland Spring is 100 percent spring water" and meets the FDA's definition of spring water. The company also posted a response on its website asserting their water meets all federal and state regulations defining spring water.

In 2003, Nestlé settled a lawsuit claiming Poland Spring water wasn't sourced deep in the Maine woods. The suit comes on the heels of Nestlé's efforts to expand in Maine, because the sources of water are drying up while bottled water sales are out-pacing soda. For example, California residents protested over Nestlé collecting water during a drought. Additionally, in April a community in Michigan denied Nestlé's request to build a new pumping station.

As long as they don't mess with my Nestlé Crunch candy bars, I don't care what they say about their water.

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