

## Alexander M. Smith

**Partner**

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**Areas of Focus**

Class Action

Consumer Brands

Data Privacy and

Cybersecurity

Food and Beverage

Law Firm and Professional

Services Defense



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### Overview

**Consumer product manufacturers facing allegations of product mislabeling, false advertising, or unfair business practices turn to Alex Smith. Alex helps consumer-facing companies defend the labeling and advertising of their products—including iconic food, beverage, personal care, and household products found in millions of homes. He persuades courts that his clients’ advertising is not deceptive, and he proves consumers received what his clients promised.**

Alex defends clients from claims by consumers, counsels on regulatory compliance and claim substantiation issues, and helps minimize the risk of false advertising or unfair business practices claims. He helps his clients cut through the complicated subject matter of consumer class actions— including technical FDA and FTC regulations, thorny questions of class action procedure, and complex technical, scientific, and economic issues that routinely arise in these cases. *Chambers USA* recently recognized Alex as an “Up and Coming” lawyer in the Food & Beverage – Regulatory and Litigation category and highlighted his “prowess in food labelling matters.”

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I help my clients minimize litigation exposure so they can focus on making great products.”

## Areas of Focus

- Class Action
- Consumer Brands
- Data Privacy and Cybersecurity
- Food and Beverage
- Law Firm and Professional Services Defense
- Mass Torts and Product Liability

## Representative Matters

- Led the trial court and appellate briefing and argued the motion to dismiss in *Nacarino v. Kashi Company*, the leading case concerning protein labeling on food products. The district court and the Ninth Circuit both agreed that Alex's clients labeled their products in accordance with the FDA regulations and found that the plaintiffs' claims were preempted.
- Defeated class certification and obtained summary judgment in a lawsuit alleging that snacks intended for preschoolers were mislabeled with unlawful and misleading nutrient content claims.
- Persuaded a federal judge in New York to dismiss a lawsuit alleging that Splenda Stevia was mislabeled as "100% Natural."
- Led the defense of multiple cases alleging that Kellogg falsely exaggerated the quantity of strawberries in its iconic Pop-Tarts toaster pastries. Four federal courts dismissed these lawsuits with prejudice.
- Persuaded a federal judge in New York to deny certification of a class of consumers who alleged that Salt & Vinegar Pringles falsely claim to contain "no artificial flavors."
- Secured the dismissal of a lawsuit alleging that the labeling of Honey Wheat Ritz Crackers falsely exaggerated their whole grain, fiber, and honey content.
- Secured the dismissal of a lawsuit alleging that OREO cookies falsely claimed to be "Made with Real Cocoa" because they contained alkalized or "Dutch-processed" cocoa.
- Secured the dismissal of a lawsuit alleging that Kellogg mislabeled its Morningstar Farms products as "Veggie" products because they contained more "grain and oil" than vegetables.
- Secured the dismissal of multiple lawsuits alleging that major food manufacturers mislabeled chocolate-flavored products—including Frosted Chocolate Fudge Pop-Tarts, Fudge-Covered OREO cookies, and Great Value Fudge Mint Cookies—as "fudge" products because they contained vegetable oils in lieu of dairy fats.
- Secured the dismissal of three lawsuits alleging that malic acid acts as an undisclosed "artificial flavor" in liquid water enhancer products.
- Secured the dismissal of a lawsuit alleging that a laundry sanitizer misleadingly claimed to "Kill 99.9% of Germs on Laundry."

## Credentials

## **Admissions**

- California, 2013

## **Education**

- Harvard Law School, JD, *cum laude*, 2013
- University of California, Berkeley, BA, Highest Distinction in General Scholarship; Departmental Honors in History; Phi Beta Kappa, 2008

## **Clerkships**

- Hon. William B. Shubb, US District Court, Eastern District of California, 2013-2014

## **Service / Recognition**

### **Awards**

- *The BTI Class Action Leaders, 2026*
- *Best Lawyers: Ones to Watch in America*, Mass Tort Litigation, Class Action, 2026
- *Chambers USA*, Food & Beverages: Regulatory & Litigation (Nationwide), 2025-2026
- Daily Journal, 40 Under 40, 2022, 2023
- The Recorder, Lawyers on the Fast Track, 2022
- Jenner & Block Mentorship Award, 2020