

Hershey Defeats Reese's Halloween Candy Misbranding Suit

Law360 (September 22, 2025, 11:24 PM EDT) -- A Florida federal judge has thrown out a proposed class action claiming Hershey misled consumers by selling Halloween-themed Reese's products in packaging that made them think the pumpkin-shaped candy would feature carved, jack-o'-lantern designs.

U.S. District Judge Melissa Damian on Friday dismissed without prejudice the suit against [The Hershey Co.](#), finding plaintiffs Nathan Vidal, Debra Hennick, Abdjul Martin and Eduardo Granados haven't shown they have standing to sue. The consumers haven't alleged that the Halloween candy was defective or worthless, the judge said.

"Put simply, plaintiffs do not allege that the products were unfit for consumption, did not taste as plaintiffs expected, or otherwise were so flawed as to render them worthless," Judge Damian said. "Rather, plaintiffs allege that they were 'disappointed' that the products they purchased did not have the detailed carvings pictured on the product packaging."

That's not enough to plausibly allege the "concrete economic injury" needed to establish standing under Article III, the judge said.

Judge Damian also refused to give the plaintiffs time to file a new complaint, finding that they requested leave to amend as part of a response, and that's not procedurally proper. Still, she gave the consumers 15 days to ask for permission to file an amended complaint "in a properly filed motion."

The suit centers on Reese's Peanut Butter pumpkins, which were sold in packaging depicting a pumpkin candy that has triangle eyes and a smile. The candy inside is pumpkin-shaped but doesn't have a face. In their suit, the named plaintiffs claimed that they were disappointed when they opened up the candy and that they wouldn't have purchased it if they knew there wasn't an eyes and mouth on the candy.

The consumers sued in May 2024, looking to represent a Florida class of anyone who purchased the Reese's pumpkin products. They're alleging a violation of the Florida Deceptive and Unfair Trade Practices Act.

Two of the named plaintiffs, Hennick and Martin, voluntarily dropped out of the suit earlier this year.

Judge Damian said Friday that remaining plaintiffs Vidal and Granados have offered only "conclusory allegations as to why they have allegedly been deprived of the benefit of their bargain." And those allegations "all boil down to their subjective, personal expectations of how the products would or should have looked when unpackaged."

Beyond that, the complaint doesn't include any factual allegations regarding the price the plaintiffs would have paid for the Reese's candy if they hadn't been marketed with the "decorative artistic designs on the packaging," according to the opinion.

"Indeed, there are no allegations by which this court might measure the difference between the value of the Reese's products with or without the decorative carvings, much less allegations supporting plaintiffs' broad, conclusory claim in their response that products with the decorative carvings would potentially be worth more," Judge Damian said.

When it comes down to it, the plaintiffs haven't yet demonstrated a concrete injury stemming from Hershey's packaging, she said.

Judge Damian said that if the plaintiffs don't ask for leave to file an amended complaint within 15 days, they must file any new pleading in a new case.

Anthony Russo, counsel for the consumers, told Law360 Monday, "The court's order was a procedural ruling — not a merits decision — and we're taking immediate steps to protect our clients and all consumers and ensure truthful, non-misleading labeling."

Hershey didn't immediately respond to a request for comment late Monday.

The plaintiffs are represented by Anthony Russo and James C. Kelly of [The Russo Firm](#).

Hershey is represented by Daniel B. Rogers of [Shook Hardy & Bacon LLP](#).

The case is Nathan Vidal et al. v. The Hershey Co., case number [0:24-cv-60831](#), in the [U.S. District Court for the Southern District of Florida](#).

--Editing by Jay Jackson Jr.

Update: This story has been updated to include comment from counsel for the plaintiffs.

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