

# Kibbles 'n Bits dog food alleged to contain pentobarbital (/stories/511371955-kibbles-n-bits-dog-food-alleged-to-contain-pentobarbital)

by Noddy A. Fernandez (/author/noddy-a-fernandez) | Mar. 29, 2018, 8:49am



NEW YORK (Legal Newsline) – A New York consumer claims that the manufacturers of Kibbles 'n Bits dog food failed to disclose the food allegedly contains a substance "largely used to euthanize animals."

Rosemarie Schirripa, individually and on behalf of all others similarly situated, filed a complaint on March 16 in the U.S. District Court for the Southern District of New York against Big Heart Pet Brands Inc. and The J.M. Smucker Co. alleging negligent misrepresentation and other counts.

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According to the complaint, the plaintiff alleges the defendants' Kibbles 'n Bits dog food contains pentobarbital, "a barbiturate drug used as a sedative and anesthetic for animals. Pentobarbital is now most commonly used to euthanizing dogs and cats."

The plaintiff cites an "independent, seven-month investigation" that determined Kibbles 'n Bits tested positive for pentobarbital.

"Pentobarbital is routinely used to euthanize animals, and the most likely way it could get into dog food would be in rendered animal products. Rendered products come from a process that converts animal tissues to feed ingredients, including tissues from animals that have been euthanized, decomposed or were diseased. Pentobarbital from euthanized animals survives the rendering process and could be present in the rendered feed ingredients used in pet food," the suit states.

The plaintiff holds Big Heart Pet Brands Inc. and The J.M. Smucker Co. responsible because the defendants allegedly wrongfully advertised and sold the dog food without any labels or warnings that it contained any levels of pentobarbital.

The plaintiff requests a trial by jury and seeks an order requiring to pay all actual and statutory damages permitted under the counts alleged, pay punitive damages, award attorneys' fees, and all other such relief as may be just and proper. She is represented by Paul B. Maslo and Salvatore C. Badala of Napoli Shkolnik PLLC in New York, New York and Anne Andrews of Andrews & Thornton in Newport Beach, California.

*U.S. District Court for the Southern District of New York case number 1:18-cv-02345-ER*

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