

Iovate Amino Acid Spiking Class Action (Settled from 2015)

written by Mike Roberto | February 1, 2016

Let's cut to the chase here, get you to the class action forms, and then get into the longer story later:

Who Qualifies?



Per the court documents, those that are eligible for reimbursement are:

*“Persons who purchased one or more eligible **MuscleTech, Six Star, EPIQ, or fuel:one** protein products between **March 10, 2011 November 10, 2015** are included in the Settlement.”[1]*

Unfortunately, this is a **US only** settlement.

The offending “spiked” products:

MuscleTech

- MuscleTech MassTech Performance Series
- MuscleTech MassTech
- MuscleTech Nitro-Tech Performance Series
- MuscleTech Nitro-Tech Hardcore Pro Series
- MuscleTech Phase8 Performance Series
- MuscleTech Anabolic Halo Performance Series

- MuscleTech Nitro Isolate 65 Pro Series

Six Star

- Six Star Whey Protein Plus Elite Series
- Six Star Whey Protein Plus Professional Strength Elite Series
- Six Star Whey Protein Isolate Elite Series
- Six Star Whey Protein Isolate Professional Strength Elite Series
- Six Star Casein Elite Series
- Six Star Casein Professional Strength Elite Series
- Six Star Muscle Building Milkshake Elite Series
- Six Star Muscle Building Milkshake Professional Strength Elite Series
- Six Star Mass Gainer Professional Strength Elite Series
- Six Star Recovery Protein Elite Series
- Six Star 100% Whey Isolate Protein Gel
- Six Star Protein Bars

EPIQ

- EPIQ Isolate
- EPIQ Gainer

fuel: one

- fuel:one Complex-1

This is a crazy amount of the protein powders distributed by the Iovate family tree, but not *all* of them.

Where to go?

The deadline for filing is **February 8, 2016** – just *one* week from the publish date here.

ASAP, head on over to

.ProteinSettlement.com

– or –

• Call 1-866-759-6512

After that, the judge needs to approve of the settlement figures in April, but don't plan on this window getting extended. It's basically now or never so *please* share this post with friends!

How Much is the Settlement? What can I get Back?

In total, there's **\$2.5 million** worth of settlement money approved by the courts that's up for grabs. There's a **max payout of \$300/household**, provided you have the receipts from the products.

What if I don't have receipts?

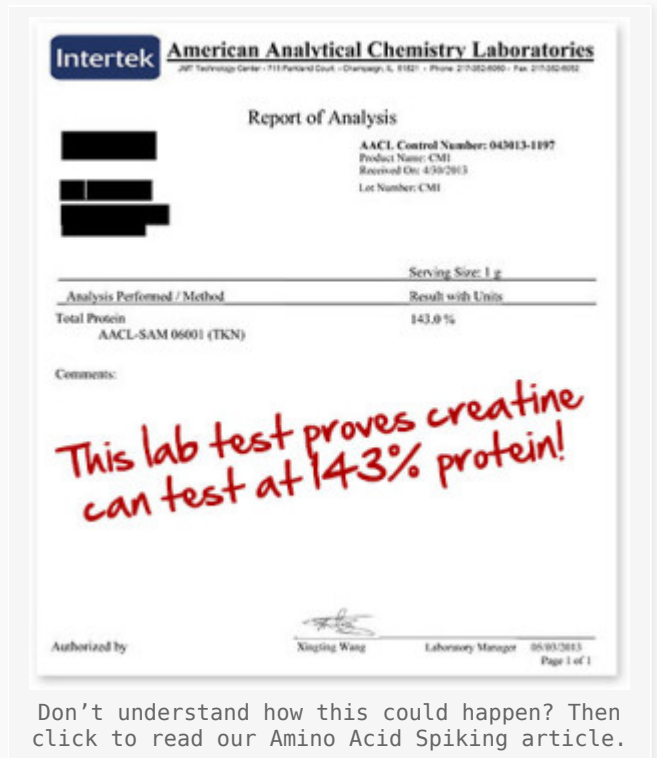
The website shows a form option that states *"File a Claim With No Receipt or Proof of Purchase to Recover \$10 Per Product Up to \$50 Per Household"* – so even if you don't have receipts, you can still get up to \$50 back per household. If the settlement goes over \$2.5 million, chances are, these non-receipt claims will be the first ones left out.

Also, don't go buying new products in the list above thinking you'll get rewarded. Your receipts must be from November 10 or earlier.

Now go get your receipts together and head over to ProteinSettlement.com and come on back to read the rest of the story later!

The Backstory

Back in November 2015, a massive lawsuit was settled by Iovate/MuscleTech in regards to their extensive line of protein powders that were spiked with amino acids.[1] While this may not seem like a big deal to some of you, this had *serious* financial implications for consumers and Iovate alike.



The gist of the lawsuit was that Iovate, the parent company of MuscleTech, Six Star, EPIQ and fuel: one, misrepresented the true amount of protein contained in their numerous protein powder and bars. Basically, Iovate's proteins were "fortified" with amino acids and the protein content listed on the Nutrition Facts panel was much greater than the actual amount of *peptide-bonded* food-based protein contained in the products.

This is explained in extremely great detail in our popular amino acid spiking article.

How bad? We have absolutely *no* clue

The ProteinSettlement website has some select legal PDFs for those of you who are interested, but unfortunately, no lab tests have been disclosed showing just how badly Iovate was spiking these powders. We may never know.

We contacted both Iovate (we really only have one contact there, they are notoriously difficult to reach) and the plaintiff's legal team (Pearson, Simon & Warshaw, LLP) and have received *zero* response from either side.

Most industry insiders and forum-followers were relatively aware that Phase8 had this situation going on. But it was always on sale and we'd just double-scoop it. However, there are a ton of "regular" consumers who still don't know about this practice, which is less and less prevalent nowadays, but was awful in the early 2010s.

If you're one of the customers who's never heard of this, please read the amino acid spiking article linked above. It's been read by over half a *million* readers.

But, the important thing is that **the deadline for filing a claim is fast approaching**, and you need to file NOW!

Legal Fees: The lawyers always win

PEARSON, SIMON & WARSHAW, LLP			
JAMES FASHOO v. IOVATE HEALTH SCIENCES INTL., INC.			
Hours Reported and Lodestar			
NAME	TOTAL HOURS	RATE	LODESTAR
Clifford H. Pearson - Partner	0.90	985.00	\$886.50
Daniel L. Warsaw - Partner	185.00	870.00	\$160,950.00
Matthew A. Pearson - Associate	292.50	385.00	\$112,612.50
Bobby Pouya - Associate	5.90	495.00	\$2,920.50
Bobby Pouya - Associate	175.30	635.00	\$111,315.50
Alexander R. Safyan - Associate	98.30	475.00	\$46,692.50
Ellowene Grant - Paralegal	11.70	225.00	\$2,632.50
Gregory Sonstein - Law Clerk	56.30	225.00	\$12,667.50
TOTAL	825.90		\$450,677.50

TASK CODE RECAP	HOURS	LODESTAR
Attorney Meeting / Strategy	31.90	\$14,311.00
Case Management	58.50	\$37,622.00
Court Appearance	11.90	\$10,159.50
Discovery	36.30	\$21,817.50
Deposition Preparation	61.30	\$32,589.00
Deposition Take / Defend	25.10	\$16,583.00
Client Meeting	14.30	\$8,144.50
Research	66.20	\$34,648.50
Pleadings / Motions	417.20	\$205,627.00
Settlement	103.20	\$69,175.50
TOTAL	825.90	\$450,677.50

H0. LEE. SHIAT. We done picked the wrong careers, boys and girls. 185 hours billed at \$870/hr? That is not a typo.

Perhaps the biggest winner in this whole ordeal are the attorneys who litigated the entire settlement. They will make 25% of the 2.5 million (which is paid *separately* by Iovate and doesn't come out of 'our' settlement fund) plus legal fee costs of up to \$15000!!!

In fact, you can see how much they're charging in one of the PDFs – the primary lawyers are making over \$850/hr! This is why you might want to consider law school some day, kids.

But do these lawyers even lift?! They declined to comment.

Since this is a US-only settlement, we have to believe that Canadian lawyers are now licking their chops. We'll update if we hear anything up north.

Where's the Outrage?

Ok, so if this story broke back in November, where the hell is the giant outrage and coverage of this?! Why is nobody talking about this? Nothing in the forums, nothing on social media...

Per the settlement PDF, this was supposed to be reported and advertised all over social media, major media outlets, and also Men's Health, Men's Fitness, Muscle & Fitness, Muscle & Fitness Hers, and Flex... but we saw or heard nothing. It does

seem that Iovate fulfilled their end of the bargain, though, as they did file a press release at PRNewsWire.[3]



Something seems to be “off” here as absolutely NO ONE is talking about this settlement website! This is BIG, but we’ve all failed to realize it!

So if this is your first time reading about this, please share it with your gym bro’s and sisters. Up to \$300 is at stake!

Wrap Up

This is a big win for the consumer, probably bigger for the attorneys in terms of payouts, when it comes to product accuracy and safety. Companies need to be held accountable for unscrupulous acts like amino spiking and explicitly misleading the public.

We’re just wondering why this didn’t get a lot of play in the news or on the internet. The lack of press something smells odd here, and we’ll continue to dig. But above all, time is ticking and you need to file NOW or else you’ll miss out on \$300!

Hopefully this is a lesson to all those of you looking for cheaper powders to only stick to “trusted” brands that provide 3rd party certification for their products, like those on our Top Protein Powders list!

(Note: interestingly, MuscleTech’s proteins that were not part of the settlement are on our Top 10 list. Is it time to remove them? Is it time to ONLY promote products that have 3rd party full lab tests?!)

Thanks to Will!

We’d like to thank **Will** for asking about MuscleTech in our amino acid spiking post linked above (see the comments at the bottom). This led Mike to digging around PACER for the documents, which led us to the settlement and to the settlement website. If you saw this post and got money back, thank WILL, not

us!!!

References

1. <https://proteinsettlement.com/Portals/0/Documents/Docket%20No.%2047%20-%20Order%20Granting%20Preliminary%20Approval.pdf>
2. <https://proteinsettlement.com/mainpage/ProteinProducts.aspx>
3. <https://www.prnewswire.com/news-releases/consumers-who-bought-muscletech-six-star-epiq-or-fuelone-protein-products-could-get-up-to-300-from-a-class-action-settlement-300189204.html>