

Legal Alerts

Avocado Oil Purity Concerns Put Food Brands on Notice

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A newly published University of California, Davis (UC Davis) study has found that 89% of processed food products marketed as containing avocado oil, with avocado oil listed as the only oil ingredient, failed authenticity testing and appeared to contain other, cheaper oils. The [study](#), published in Applied Food Research, tested 54 products (chips, mayonnaises and salad dressings) purchased from California stores and online retailers between 2025 and 2026. The failure rates are stark: 93% of chips, 71% of mayonnaises and 100% of salad dressings failed purity testing.

This is not the first time UC Davis has cautioned about the category. A 2020 study found 82% of bottled avocado oils tested were either oxidized/rancid or mixed with other oils. A 2023 study found nearly 70% of private-label avocado oils had similar issues. The 2026 findings show that avocado-oil authenticity problems extend beyond bottled oils and into processed foods.

Critically, the researchers noted that brands may not know they are using adulterated oil. Many food companies source through third-party brokers without independent verification, and the adulteration typically originates upstream in the supply chain. A brand's good faith does not eliminate its legal exposure; the label belongs to the brand, and so does the liability.

The Risks Extend Beyond the Label

The FDA has identified avocado oil as one of the most frequent targets for economically motivated adulteration. Following the earlier UC Davis studies, multiple class action lawsuits were filed against brands whose products failed purity testing. Plaintiffs' firms are already investigating brands named in the 2026 study, and the exposure is multi-directional:

- Consumer class actions alleging false or misleading labeling
- Regulatory risk under federal and state misbranding statutes
- Retailer and distributor liability, including chargebacks, indemnification demands or product removal under vendor agreements
- Competitor claims for false advertising
- Investor and strategic partner exposure, particularly where brands have made representations regarding compliance with applicable law, accuracy of labeling or product claims in connection with financing documents, co-branding arrangements, private label agreements or collaboration terms

Getting Ahead of Ingredient Authenticity Issues

Even if your brand was not named in the study, this is a moment to evaluate where you stand. The brands that came through prior UC Davis studies with their reputations intact moved quickly and on multiple fronts. The brands that struggled are those that didn't know what they didn't know until it was too late. For any brand using avocado oil (or any premium ingredient where purity is central to the consumer promise), the immediate priorities are:

- **Assess exposure.** Do you know what is actually in your product, independent of what your supplier tells you? What claims are you making about your product on-pack, in social media, through influencers and elsewhere? Do your retailer, distributor and investor agreements create indemnification or compliance obligations you haven't mapped? Does your insurance respond to this kind of claim, and is additional coverage still available before test results narrow your options?
- **Understand recourse and cost recovery.** If there is a problem, who bears the cost? Do you have a supply agreement with your supplier (or if your co-manufacturer sources, a co-manufacturing agreement), purchase order terms or a letter of guarantee that gives you meaningful warranty, indemnification and damages recovery, or are you operating without a real contract? Even where documentation exists, is the supplier behind it financially capable of standing behind its commitments, or is it a thinly capitalized intermediary? Can testing costs, reformulation expenses, relabeling costs, consumer claim payouts and legal fees be passed back to the supplier?
- **Evaluate existing safeguards.** Are your testing protocols, sourcing strategy, supplier contracts and communications framework built to withstand the next round of scrutiny, not just this one?

Many brands will find that the answers are less reassuring than they assumed. If you would like to discuss strategy, risk management and recourse in light of these findings, please reach out to our [Food & Beverage](#) team.

The information above involves complex legal considerations and is provided for general informational purposes only. It does not constitute legal advice. For guidance on specific legal matters, you should consult with an attorney. Foster Garvey requires engagement letters to establish the attorney-client relationship for new (or returning) clients and requires written confirmation to expand the scope of representation for existing clients.

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