

3rd Suit Alleges Panera's 'Charged' Drink Caused Heart Attack

By Craig Clough

Law360 (May 21, 2024, 5:59 PM EDT) -- An 18-year-old man sued Panera Bread Co. in Pennsylvania federal court Monday alleging its highly caffeinated "Charged Lemonade" drink caused him to suffer a heart attack, at least the third such suit filed against the franchise over the now-discontinued beverage.

The lawsuit from Luke Adams says he was an otherwise healthy young person before purchasing a Charged Lemonade and chicken sandwich at a Panera location in Monroe, Pennsylvania, in March. Adams says he was unaware it was an energy drink packing up to 390 milligrams of caffeine, and, within a few hours, suffered a heart attack at a movie theater and was rushed to a hospital, according to the complaint.

Adams survived the cardiac arrest but had a subcutaneous cardioverter-defibrillator implanted inside his body, according to the suit. It added that doctors found no underlying health issues that could have caused Adams' heart attack, which was found to be caused by ventricular fibrillation, a type of heart arrhythmia that "can be triggered by caffeine."

"Defendants knew or should have known that the Panera Charged Lemonade, as designed and formulated, once consumed, could injure consumers, including, inter alia, children, pregnant and breastfeeding women, people sensitive to caffeine, and people with underlying heart conditions, by causing catastrophic injuries and/or death," Adams said in the suit.

About two weeks ago, Panera announced it was **discontinuing** the Charged Lemonade beverage, which was already at the center of two lawsuits claiming the restaurant chain is liable for the wrongful death of two patrons.

Panera declined to say if the decision to remove the drink was connected in any way to the ongoing litigation in **Pennsylvania federal court** and **Delaware state court** concerning the respective deaths of Sarah Katz and Dennis Brown. Both suits claim that the Panera customers suffered cardiac arrests shortly after drinking the Charged Lemonade.

Adams' complaint — which, like the Katz litigation, was also filed in the Eastern District of Pennsylvania — alleges that the caffeine content of the beverage can vary from 237 mg of caffeine with ice to 390 mg of caffeine without ice. Although the suit does not state if Adams' beverage had ice in it, it does say that "he was not aware that the Charged Lemonade was a super energy drink with high amounts of caffeine, sugar and guarana."

Two popular energy drinks, Monster Energy Drink and Red Bull, have far less caffeine in them, with Monster including 160 mg and Red Bull about 114 mg, according to the suit. The U.S. Food and Drug Administration advises 400 milligrams of caffeine per day is generally safe for healthy adults.

The suit also alleges that the drink is mixed in-house by employees, increasing the health risks for customers.

"Knowing this, before and during the marketing and sale of the Panera Charged Lemonade, defendants knew or should have known that proper quality control for manufacturing and/or mixing the product was crucial to consumer safety, and that permitting their employees to mix the product could result in an increased risk of causing permanent and catastrophic injuries to consumers-especially children, pregnant and breastfeeding women, and caffeine-sensitive individuals (e.g., those with underlying heart problems)," Adams said in the suit.

The suit also alleges that Panera "did not market, advertise, and sell Panera Charged Lemonade in the store nor on the Panera Bread App as an 'energy drink,' which is a drink containing large amounts of caffeine, added sugar, other additives, and stimulants, such as guarana and/or taurine and/or L- camitine ('stimulants')."

"Instead, defendants market, advertise, and sell Panera Charged Lemonade on their website and Panera Bread App as a 'naturally flavored' and 'plant based' beverage that 'contains caffeine,'" the suit continued.

Adams "suffers from post-traumatic stress disorder and generalized anxiety as a result of the event and is on medication," the suit alleges. "He can no longer take part in the same lifestyle habits he held previously as he now has an implantable cardioverter defibrillator and an underlying heart condition triggered by the Panera Charged Lemonade."

Adams is seeking unspecified compensatory damages and punitive damages, interest, the costs of the suit and other relief.

"Luke Adams' case is a tragic example of why the Panera Charged Lemonade is an inherently dangerous product and needed to be removed from the market," Elizabeth A. Crawford of Kline & Specter PC, who represents Adams, said in a statement to Law360 on Tuesday. "Clearly, the product's 'warning' was ineffective. Luke was a healthy 18-year-old with no underlying medical conditions before he drank one large Panera Charged Lemonade and went into cardiac arrest. He would have died if it was not for the heroic efforts of the medical professionals in the movie theater and at the hospital."

Panera did not immediately respond to a request for comment.

Adams is represented by Thomas R. Kline, Elizabeth A. Crawford, Michelle A. Paznokas and Wyatt Larkin of Kline & Specter PC.

The case is Luke Adams v. Panera Bread Co., case number 2:24-cv-02137, in the Eastern District of Pennsylvania.

--Additional reporting by Jonathan Capriel. Editing by Jay Jackson Jr.