



David Protein

169 Madison Ave Suite 2523, New York, NY 10016

March 12, 2026

Dear customers and trusted partners:

You may have seen recent news coverage about a class action lawsuit involving our nutrition labels. I want to address this directly.

The lawsuit alleging that David Protein bars contain more calories and fat than stated on their nutrition labels is simply wrong. It rests on a flawed and misleading interpretation of how calories are determined for certain ingredients under U.S. food labeling regulations.

The testing referenced in the lawsuit relies on bomb calorimetry, a laboratory method that measures total heat released when food is completely burned, and applies the standard 4-4-9 caloric values for carbohydrates, protein and fat, respectively. While bomb calorimetry is a recognized calorie testing method for many foods, it is widely accepted in the industry that bomb calorimetry is *not* the right testing method for determining calories in foods containing certain ingredients, such as dietary fiber, certain sweeteners, and, critically for us, fat substitutes like esterified propoxylated glycerol (EPG). It is equally well-accepted that the standard 4-4-9 caloric values don't apply to these ingredients. This is precisely why the FDA rules permit the use of six different calorie calculation methods.

If you burn ingredients like complex carbohydrates, fiber or EPG in a calorimeter, these ingredients would appear to deliver far more calories than the body actually metabolizes. In reality, these ingredients are not fully bioavailable and therefore do not yield their full caloric content when ingested. To address this issue, the FDA permits use of specific caloric values for approved ingredients.

FDA has reviewed multiple GRAS notices over more than a decade that have recognized that EPG contributes only **0.7 kcal per gram**—compared with 9 kcal per gram for conventional fats.

The fat content in our bars is also accurate and compliant with FDA rules. EPG contributes **approximately 0.08 grams of “fat” per gram** of EPG.

Our products are labeled correctly and in full compliance with all FDA regulations. The claims in this lawsuit are meritless and reflect a fundamental misunderstanding of basic, well-established scientific principles regarding how calories are determined under U.S. nutrition labeling standards for ingredients like EPG.

David Protein stands firmly behind the accuracy of its labeling and will vigorously defend it. We remain committed to delivering innovative products with a high calorie-from-protein ratio that consumers can trust.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Rahal', written in a cursive style.

Peter Rahal,
Chief Executive Officer