

Butter or margarine? In Dunkin' Donuts lawsuit, man accepts no substitutes

If you order chicken, you expect chicken.

If you order a coffee, you expect a coffee.

But if you order butter, is margarine or a vegetable spread an acceptable substitute?

It wasn't to Jan Polanik, who sued 23 Dunkin' Donuts locations in Massachusetts for serving him "margarine or a butter substitute" instead of butter with his bagels between June 2012 and June 2016. He filed a pair of class-action lawsuits in March against franchise owners who are responsible for multiple stores. He paid 25 cents for butter and was not told a substitute was used, according to the suits.

If settlement agreements filed Monday are approved, up to 1,400 people may claim up to three free buttered muffins, bagels or other baked goods from the 23 locations in Grafton, Leominster, Lowell, Millbury, Shrewsbury, Westborough and Worcester. Customers would not need to show a receipt of a previous purchase. The stores will be required to use only butter — no margarine or butter substitute — for a year. If they use butter substitutes in the future, the menus will have to explicitly say so.

Polanik, who lives in the Worcester area, will receive \$500 as an "incentive award" for representing the class.

Thomas G. Shapiro, a lawyer who represented Polanik, said it was unclear what each of the restaurants used in lieu of butter, but one of the stores had "a large tub that looked a lot like a tub of Country Crock, a very inexpensive spread that is sold in grocery stores."

"The main thrust of the case, really, is to get the stores, and hopefully Dunkin' Donuts generally, to change that practice and not deceive people," he said Monday.

Dunkin' Donuts said in a statement that it was aware of the lawsuit but did not address any companywide butter policies.

"The majority of Dunkin' Donuts restaurants in Massachusetts carry both individual whipped butter packets and a butter-substitute vegetable spread," the company said in a statement.

To culinary partisans, the butter-or-margarine question, which The New York Times called a "long-running debate" in a 1974 article, rubs up against Coke-or-Pepsi as among the most contentious dividers of our time. Based on either health concerns or personal taste, preferences run deep.

Take Wisconsin. It would be wise for you to not mess with Wisconsin's butter.

There, butter-specific laws crack down on would-be margarine hawkers. An unannounced margarine-for-butter swap at a restaurant is expressly forbidden, punishable by a fine of up to \$500 and three months in prison for the first offense, and as much as \$1,000 and a year in prison for subsequent offenses. Margarine cannot be served to students, patients or inmates in state facilities.

Even the in-state butter selection is limited. Kerrygold, an Irish brand, cannot be sold in Wisconsin grocery stores because it has not been graded for quality by state or federal authorities, causing some butter bandits to carry bricks over state lines. A group of residents filed a lawsuit in March challenging the 64-year-old law.

Tom Balmer, a spokesman for the American Butter Institute, said he was unaware of other states with butter laws.

But dairy products of all stripes face competition from “imitators attempting to capitalize on dairy’s excellent reputation for delivering flavor, wholesomeness and nutrition,” he said.

“Our friends in the milk, cheese, yogurt and ice cream industries are currently waging their own battles with substitutes which are frequently inferior in terms of taste, performance and (especially) nutrition,” he said in a statement. “As a result, we can foresee similar issues arising, particularly in the food service sector, if labeling and product identity messaging are less than clear.”

History is replete with scientific flip-flops on which is healthier. Butter is high in cholesterol and saturated fat, which are linked to heart disease. Margarine contains unsaturated fat, but some varieties contain trans fats, which are also dangerous. Nutritionists suggest closely inspecting the label of your brand.

“Your goal is to limit intake of saturated fats and to avoid trans fats altogether,” according to Harvard Medical School.

“Look for a spread that doesn’t have trans fats and has the least amount of saturated fat,” according to the Mayo Clinic.

In 2013, a Dunkin’ Donuts spokeswoman, Lindsay Harrington, offered an explanation for why a vegetable spread might be used.

“For food safety reasons, we do not allow butter to be stored at room temperature, which is the temperature necessary for butter to be easily spread onto a bagel or pastry,” she told The Boston Globe.

The recommended procedure in the store, she said, was for individual whipped butter packets to be served on the side of a bagel or pastry, but not applied.

“The vegetable spread is generally used if the employee applies the topping,” she said.

Such explanations were insufficient for Polanik.

“It’s the basic principle that if something is misrepresented to you, it should be corrected,” Shapiro said. “He really just prefers butter for a number of reasons.”

By: Daniel Victor