

Florida woman's family files lawsuit seeking to halt sales of Galaxy Gas and other nitrous oxide after her death

"These products have caused widespread addiction, death and severe bodily harm," the lawsuit says.

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By [Elizabeth Chuck](#)

Nitrous oxide sold in colorful tanks with candy-like flavors that consumers are inhaling to get high must be removed from shelves because it is creating a "veritable national health crisis," a new lawsuit alleges.

Filed Thursday in state court in Orange County, Florida, by the family of a woman who died after what relatives said was a yearslong addiction to the gas canisters, the lawsuit accuses manufacturers and smoke shops of exploiting a legal loophole that allows them to sell nitrous oxide canisters if they are marketed as a culinary tool rather than an inhalant. The gas is most commonly used to make whipped cream.

Nonetheless, the products are sold in large packages labeled and decorated "so as to encourage their use through inhalation, and distributed through smoke shops, to further facilitate their use as recreational drugs, rather than cooking utensils," reads the lawsuit. "This presents a mortal danger to consumers' health."

"These products have caused widespread addiction, death and severe bodily harm," the lawsuit adds.

The lawsuit was filed on behalf of the family of Margaret Caldwell, 29, who went by Meg and lived in Clermont, Florida. Relatives who spoke exclusively to NBC News said Caldwell was inhaling nitrous oxide hundreds of times a day and insisted it must not be dangerous because it was so easy to buy.

"She would tell us, I'm buying this legally. I'm not doing anything wrong with this," said Kathleen Dial, Caldwell's sister and the plaintiff named as the representative of Caldwell's estate in the suit. "That was a really hard thing to conquer with her, that thought process, because it was so readily available."

The defendants listed in the complaint could not immediately be reached for comment. One defendant, Galaxy Gas, [paused direct sales in September](#) after videos circulated on social media appearing to show young people inhaling from its cylinders. A spokesperson at the time said the company was "deeply concerned about the recent news reports and social media posts of individuals illegally misusing our products." NBC News has reached out to Galaxy Gas for comment on the lawsuit.

Galaxy Gas has a pop-up message on its website that says that the product is solely intended for culinary purposes and warns consumers about the dangers of misusing it. Consumers must click to acknowledge the "condition of sale" before viewing the website, which has hundreds of recipes the flavored gases can be used in to aerate or infuse ingredients, including a citrus nitro margarita, a pesto cream sauce and strawberry mousse.

Often referred to colloquially as “whippets,” nitrous oxide canisters are sold in many smoke shops across the country as well as online from major retailers, with some states restricting sales to people 21 and over.

Nitrous oxide, also known as laughing gas, is used as a sedative in medicine. In recent years, there has been an uptick in its use as an illicit recreational drug that gives users an immediate, brief euphoria when they inhale it. From 2023 to 2024, there was a 58% increase in reports of intentional exposure to nitrous oxide, data from America’s Poison Centers’ [National Poison Data System](#) shows.

Repeated nitrous oxide usage is associated with symptoms of vitamin B12 depletion, according to Dr. Cara Borelli, a physician specializing in addiction medicine at Yale School of Medicine. She said that can include cognitive and coordination problems and psychiatric issues.

Caldwell had been a top student growing up. Before her addiction took hold starting in her mid-20s, she enjoyed skiing, horseback riding and spending time with her nieces and nephews, her parents and sisters said.

Caldwell tried various rehabilitation facilities, but she always returned to nitrous oxide — even after she temporarily lost the use of her legs in September 2024 from what a doctor told her was an overdose of the gas, her family said.

“The doctor said, ‘You are going to die if you keep using this drug,’” said another sister, Leigh Caldwell. “As soon as she got back on her feet, she went back to the smoke shop and got the drug again.”

Caldwell died in November 2024 in the Orlando area. Her body was found behind an Orange County smoke shop where she had purchased nitrous oxide products, according to the lawsuit. Her family said an autopsy report is still pending.

The complaint is not a wrongful death lawsuit. Rather, it’s a proposed defendant class action against the seven Florida smoke shops that Caldwell frequented — a rare type of litigation against a small number of defendants that aims to tackle industrywide practices. The suit does not seek damages but simply to have the product immediately removed from store shelves. It is also a proposed class action lawsuit against major nitrous oxide manufacturers and seeks damages for families impacted by nitrous oxide addiction.

Both the proposed defendant class action suit and the proposed class action suit against the manufacturers will need to be certified by the court to proceed.

Mike Morgan, an attorney at injury law firm Morgan & Morgan who is representing the family, compared what’s happening with nitrous oxide products to Juul, the vaping brand that was accused of using fruity flavors and youth marketing tactics to contribute to a vaping epidemic among adolescents, an allegation that Juul has vehemently denied. The Food and Drug Administration ordered Juul to stop selling e-cigarettes in 2022, though they stayed in stores pending an appeal, and the FDA [reversed its ban last year](#).

“The type of flavor add-ons are very similar to what we’ve seen recently with the tobacco crackdown on different vaping products,” Morgan said. “When you are adding raspberry and cotton

candy, the only purpose that can be used for is to make it more palatable to the taste, to make young people want to use it.”

While the [state of Louisiana](#) and [some local](#) jurisdictions have banned retail nitrous oxide sales, there is no federal restriction on it. The FDA said it oversees nitrous oxide only in certain circumstances.

"The FDA does not have jurisdiction over nitrous oxide that is intended for industrial uses, but it does have jurisdiction over nitrous oxide for certain medical uses and for food use," a spokesperson said in a statement to NBC News.

"Recreational use of nitrous oxide poses serious safety risks," the statement added.

Caldwell's family members are hopeful that their lawsuit will prevent other families from experiencing the same pain that they have.

"It has been devastating losing Meg. It's left a big hole for all of us," said her mother, Joy Plumley-Caldwell. "This won't bring her back, but if it could make something positive come out of it, we would be so grateful."

<https://www.nbcnews.com/news/us-news/womans-family-files-lawsuit-seeking-halt-sales-galaxy-gas-death-rcna191059>