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Food & Consumer Packaged Goods Litigation

Chipotle Defeats Class Certification in “Naturally Raised” Meat Lawsuit

Hernandez v. Chipotle Mexican Grill, Inc., No. CV 12-5543 DSF (JCx) (C.D. Cal.): The court denied class certification in a case alleging that Chipotle advertised its use of "naturally raised" meats but occasionally served conventionally raised meats when naturally raised meats were not available. Because Chipotle's alleged misconduct occurred only intermittently at different times at different stores for different meats, the court found customers would need to establish the date, location, and meat purchased for each transaction in order to have a valid claim. Such individualized details could not realistically be pinpointed and were not capable of class-wide proof. The court also found that questions existed as to whether individual customers saw point-of-purchasing signs advising of temporary shortages of naturally raised meats. Finally, the court further concluded that class treatment was improper because, given the difficulties in identifying legitimate claims, any class settlement could not be fairly distributed. [Order](#).

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