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Food & Consumer Packaged Goods Litigation

Court Dismisses Complaint Attacking Partially Hydrogenated Vegetable Oils

Simpson v. California Pizza Kitchen, 13cv0164 (S.D. Cal.). Plaintiff alleged that defendants' frozen pizza products contain trans-fatty acids (TFAs) in the form of partially hydrogenated vegetable oils (PHVOs), an ingredient she claims is not safe for consumption at any level. The court granted the motion to dismiss without prejudice. First, the court found that plaintiff lacked standing, because she had not alleged that consuming five frozen pizzas over a year-long period would expose her to the alleged risks associated with consuming PHVO. Further, because she consumed the pizzas—which disclosed the ingredient on its labels—the court found that she had received the benefit of her bargain, and had therefore suffered no economic injury. The court also denied plaintiff's public nuisance and UCL claims, finding that TFAs are "generally regarded as safe" under FDA regulations and could not therefore qualify as "adulterated" as alleged by plaintiff. [Order](#).

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