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Food & Consumer Packaged Goods Litigation

Court Dismisses Chobani “Natural” Lawsuit With Prejudice

Kane v. Chobani, No. 5:12cv2425 (N.D. Cal.): The court dismissed the third amended complaint in this putative class action with prejudice. Plaintiffs alleged claims under California consumer protection laws and the Sherman Food, Drug, and Cosmetic Law, claiming that various of defendant's products, including Chobani Greek Yogurt and Chobani Greek Yogurt Champions were misbranded as "All Natural" when they were not, and that the term "evaporated cane juice" on the products' labeling was misleading. The court dismissed all claims on a number of grounds, including lack of standing and failure to allege facts showing that a "reasonable consumer" was likely to be deceived. First, the court reiterated that actual reliance and economic injury are necessary elements under California's UCL and CLRA and that plaintiffs had failed to allege either. Regarding the ECJ claims, the court rejected as implausible plaintiffs' allegations that they did not know that ECJ was a form of sugar, given that the pleadings revealed that plaintiffs were aware that "dried cane syrup" was a form of sugar. The court went on to reject plaintiffs' allegation that they believed ECJ was somehow "healthier" than sugar for similar reasons. Regarding the "All Natural" claims, the court found unpersuasive allegations that the products contained turmeric, among other things, for coloring and were thus misleadingly labeled as "All Natural," because the labels specifically advised that "fruit or vegetable juice" was used for color. Further, the court noted that plaintiffs had failed to allege any facts detailing why they believed these ingredients to be synthetic or processed. Because of multiple prior complaints, the court dismissed the action with prejudice.

[Order.](#)

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