Blogs
June 13, 2014
Food & Consumer Packaged Goods Litigation

Northern District of California Continues Trend of Dismissing or Staying Evaporated Cane Juice Cases on Primary Jurisdiction Grounds

Numerous cases have been filed over the last few years challenging as misleading product labels that list "evaporated cane juice" as an ingredient instead of sugar. On March 5, 2014, the FDA announced that it is actively reviewing its position on use of the phrase "evaporated cane juice." In light of the FDA's announcement, several courts have recently invoked the primary jurisdiction doctrine to dismiss or stay evaporated cane juice cases pending FDA action, including the following:

- *Swearingen v. Yucatan Foods*, No. 3:13-cv-03544 (N.D. Cal.) (dismissing without prejudice putative class action regarding defendant's guacamole products). Order.
- *Swearingen v. Late July Snacks*, No. 3:13-cv-04324 (N.D. Cal.) (staying for five months putative class action regarding defendant's crackers and chips). Order.
- *Swearingen v. Attune Foods*, No. 4:13-cv-04541 (N.D. Cal.) (dismissing without prejudice putative class action regarding defendant's cereal and snack bar products). Order.
- *Avila v. Redwood Hill Farm and Creamery Inc.*, No. 5:13-cv-00335 (N.D. Cal.) (staying putative class action regarding defendant's yogurt products). Order.
- *Gitson v. Clover Stornetta Farms Inc.*, No. 3:13-cv-01517 (N.D. Cal.) (staying for six months putative class action regarding defendant's yogurt products). Order.
- *Smedt v. The Hain Celestial Group, Inc.*, No. 5:12-cv-03029 (N.D. Cal.) (dismissing without prejudice evaporated cane juice claims in putative class action regarding defendant's snack and drink products). Order.

Explore more in

Food & Consumer Packaged Goods Litigation Food & Beverage
Blog series

Food & Consumer Packaged Goods Litigation

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

View the blog