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July 21, 2014

Food & Consumer Packaged Goods Litigation

100% Natural Tea Case Survives Dismissal

Von Slomski v. The Hain Celestial Group, Inc., No. 8:13cv01757 (C.D. Cal.): The court denied defendant's motion to dismiss a putative class action alleging claims under California's UCL, FAL, and CLRA, as well as breach of express warranty, based on defendant's representation that its teas are "100% Natural" when in fact they allegedly contain chemical insecticides, fungicides, and herbicides. The court concluded that plaintiff had adequately alleged that a reasonable consumer may be misled by the product's "100% Natural" representation. The court further reasoned that the defendant's puffery defense raised fact issues that could not be resolved at the pleading stage. The court likewise found plaintiffs had standing, including to bring claims as to teas they had not purchased. Finally, the court concluded that primary jurisdiction did not merit dismissal of plaintiff's claims.

[Order](#).

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