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Food & Consumer Packaged Goods Litigation

Court Stays Previously Dismissed ECJ Case

Figy v. Amy's Kitchen, Inc., 13-cv-3816 (N.D. Cal.): The court granted in part and denied in part plaintiff's motion to amend an earlier dismissal in a putative class action alleging claims under California's UCL, FAL, CLRA, and a number of common law tort claims, alleging that defendant's use of the term "organic evaporated cane juice" on its labels is misleading and violates the Sherman FDCA. The court denied the motion to the extent it sought to re-litigate the question of whether the FDA was actively considering the common and usual name of the ingredient at issue, but granted the motion to the extent that the court should have stayed the case rather than dismiss it without prejudice. Citing potential prejudice to the plaintiff—namely losing some claims to statutes of limitations and losing time off the class period—and a lack of prejudice to defendant, the court reversed the dismissal and stayed the case with a status hearing in six months. [Order](#).

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