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Food & Consumer Packaged Goods Litigation

# Gerber Wins Summary Judgment in Baby Food Suit

*Bruton v. Gerber Prods.*, No. 12-cv-2412 (N.D. Cal.): A California federal judge denied plaintiff's motion for partial summary judgment and granted defendant's motion for summary judgment in a putative class action alleging that Gerber misbrands and misrepresents its baby food products as to certain nutrient content claims. The court premised its decision to award summary judgment to Gerber almost entirely on its finding that there was insufficient evidence that the challenged statements were likely to mislead reasonable consumers. Holding that plaintiff failed to show the existence of a genuine dispute of material fact, the court noted that among the only evidence plaintiff submitted showing that the statements were likely to mislead was deposition testimony in which plaintiff stated that she wasn't sure whether the label statements were true or not. The court likewise found plaintiff's "vague references" to FDA regulations without citation and her expert declarations insufficient to create a triable issue. Accordingly, the court granted Gerber's motion on all causes of action to the extent that they are based on nutrient content and sugar-related claims. [Order](#).

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