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Food & Consumer Packaged Goods Litigation

# Honest Tea Defeats Motion to Dismiss

*Salazar v. Honest Tea, Inc.*, Case No. 13cv2318 (E.D. Cal.): A California federal court denied a motion to dismiss an amended complaint in a putative class action alleging that defendant misrepresents the amount of antioxidants contained in their tea products. Plaintiff's amended complaint alleged that the beverages' labels violate FDA labeling requirements because they characterize flavonoid antioxidants and are thus unauthorized "nutrient content" claims that violate various California state laws. The court held that statements about antioxidants appearing on the tea products may qualify as nutrient content claims must comply with FDA regulations. Moreover, the court held that questions concerning material differences between the labels should be addressed at the class certification stage and not at the Rule 12(b)(6) stage. [Order](#).

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