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August 24, 2015

Food & Consumer Packaged Goods Litigation

## **New Filings for August 24, 2015**

*Leining v. Foster Poultry Farms, Inc.*, No. BC588004 (Cal. Super. Ct.): Putative class action alleging violations of California's CLRA, as well as for negligent misrepresentation, breach of express warranty, and breach of implied warranty of merchantability. Plaintiff claims that Defendant labels its chicken as American Humane Certified when the chickens were not treated humanely. [Complaint](#). *Consumer Advocacy Group, Inc. v. Takara Sake USA, Inc., et al.*, No. RG15777687 (Cal. Super. Ct.): Plaintiff alleges violations of California's Proposition 65 based on claims that Defendants do not warn consumers that their alcoholic beverages contain lead. [Complaint](#). *Gyorke-Takatri, et al. v. Nestle USA, Inc., et al.*, No. CGC15-546850 (Cal. Super. Ct.), *Savalli v. Nestle USA, Inc. and Gerber Products Co.*, No. 0:15-cv-61554 (S.D. Fla.): Multiple putative class actions alleging violations of California and Florida's consumer protection statutes, as well as common law claims. Plaintiffs claim that Defendants' Gerber Graduates Puffs are marketed as though they contain significant amounts of fruits and vegetables, when the products only contain trace amounts of those ingredients. [Complaint](#). *Gonzalez v. Del Sol Food Co., Inc.*, No. 2:15-CV-05435 (C.D. Cal.): Removal of putative class action alleging violations of California's FAL, CLRA, UCL, and breach of express warranty based on the claim that Defendant deceptively labels its Brianna's Fine Salad Dressings as "All Natural," when in fact (1) they contain canola oil, white vinegar, and soy sauce that is made from genetically modified crops, (2) the canola oil and vinegar is heavily processed and bears no chemical resemblance to the genetically modified crops from which they are derived, and (3) they contain additives such as maltodextrin, tocopherols, xanthan gum, dextrose, and citric acid. [Complaint](#). *Environmental Research Center v. Living Ecology, Inc.*, No. RG15778780 (Cal. Super. Ct.): Plaintiff alleges that Defendant violated California's Proposition 65 by failing to warn that its Organic Food Bars contain cadmium. [Complaint](#). *Zieroff v. New Hope Mills Manufacturing, Inc.*, No. 1522-CC10185 (Mo. Cir. Ct.): Plaintiff brings a putative class action alleging that Defendant's Sweet Seasons Quick Bread Mixes are marketed as "All Natural" although they contain sodium acid pyrophosphate, a synthetic chemical. Plaintiff brings raises claims under Missouri's Merchandising Practices Act and for unjust enrichment. [Complaint](#). *Reynolds v. Baker Mills, Inc.*, No. 1522-CC10181 (Mo. Cir. Ct.): Putative class action alleging violations of Missouri's Merchandising Practices Act and unjust enrichment based on the claim that Defendant's Kodiak Cakes Big Bear Brownies are marketed as "All Natural," although they contain sodium acid pyrophosphate. [Complaint](#). *Magier v. Tribe Mediterranean Foods, Inc.*, No. 1:15cv5781 (S.D.N.Y.): National putative class action with New York subclass, alleging violations of the Magnuson-Moss Warranty Act, New York's GBL, along with breach of express warranty, breach of the implied warranty of merchantability, unjust enrichment, intentional and negligent misrepresentation, and fraud claims. Plaintiff contends that Defendant advertises its hummus products as "All Natural" when they contain genetically modified ingredients and synthetic chemicals. [Complaint](#). *Galabov v. Burger King Corp. & Bridgette Foods, LLC*, No. 406779 (Md. Cir. Ct.): Putative class action alleging violations of Maryland's Consumer Protection Act, unjust enrichment, and breach of contract. Plaintiff claims that Defendants advertise their hot dogs as being "100% beef" when they contain pork. [Complaint](#). *Moran v. Good Health Natural Products, Inc.*, No. BC588986 (Cal. Super. Ct.): Plaintiff brings a putative class action asserting claims under California's UCL, FAL, CLRA, as well as breach of warranty, unjust enrichment, fraud, negligent misrepresentation, and breach of contract. Plaintiff alleges that Defendant labels its snacks "All Natural," "100% Natural," "healthy," "wholesome" and "made with whole wheat" when they contain a combination of sunflower, oil, corn syrup, canola oil, citric acid, ascorbic acid, maltodextrin, dextrose, potassium chloride, lactic acid, malic acid, evaporated cane sugar, folic acid, thiamin mononitrate, riboflavin, niacin, and paprika extract. [Complaint](#). *Bunting v. McCormick & Co., Inc.*, No. 3:15-cv-01648 (S.D. Cal.), *Marsh v. McCormick & Co., Inc.*, No. 2:15-cv-01625 (E.D. Cal.), *Esparza v. McCormick & Co., Inc.*, No. 2:15-cv-05823

(C.D. Cal.): Multiple putative class actions alleging violations of various state consumer protection statutes as well as common law claims, alleging that consumers that purchased Defendant's ground pepper product were misled when Defendant's reduced the content of its ground pepper tins by 25%, but did not reduce the size of the tins. [Bunting](#), [Marsh](#), [Esparza](#). *Walker v. B&G Foods, Inc. and B&G Foods North America, Inc.*, No. 3:15-cv-03772 (N.D. Cal.): Putative class action alleging violations of California's UCL, FAL, CLRA, and breach of express and implied warranties based on claims that two varieties of defendants' Ortega taco shells contain partially hydrogenated oil ("PHO"). [Complaint](#).

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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.

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