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Food & Consumer Packaged Goods Litigation

## **Kellogg Wins Partial Judgment On The Pleadings In Gardenburger Suit**

*Mohamed v. Kellogg Co.*, No. 3:14-cv-02449 (S.D. Cal.): A federal judge granted in part and denied in part defendants' motion for judgment on the pleadings in this putative class action alleging that defendant labels its Gardenburger products "made with natural ingredients" and "real good ingredients" when they in fact contain synthetic ingredients such as Hexane Processed Soy Ingredients. Finding that Plaintiff had not alleged any intention to purchase Gardenburgers in the future, the Court ruled that she lacked standing to seek injunctive relief. The Court otherwise found that the Plaintiff had sufficient standing, as she merely needed to show that she paid a price premium due to the alleged misrepresentations. The court likewise rejected arguments that Plaintiff failed to alleged that Kellogg made statements likely to deceived a reasonable consumer, holding that the issue was factual in nature and not capable of resolution on a motion to dismiss. [Order](#).

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