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Food & Consumer Packaged Goods Litigation

Court Grants Preliminary Approval of Settlement in Case Involving MSG in Prepackaged Foods

Petersen v. CJ America, Inc., No. 3:14-cv-02570 (S.D. Cal.): The Court issued an order granting preliminary approval of settlement in this putative class action asserting violations of California's consumer protection statutes and a claim for breach of express warranty. Plaintiff claims that Defendant's Annie Chun's brand of prepackaged food products are misrepresented as having "No MSG Added," although they contain MSG. The preliminary settlement terms are as follows: Defendant will establish a settlement fund in the amount of \$1.5M from which each class member may claim \$1.50 per product up to ten products (or \$15.00) without proof of purchase. The ten product/\$15.00 maximum does not apply to class members with proof of purchase. In addition, from the settlement fund, Defendant will pay up to \$5,000 per class representative as incentive awards, and up to \$375,000 in attorney fees. Any remainder will go in *cy pres* to the Mayo Clinic, Action for Healthy Kids, and National Farm to School Network. Finally, Defendants agree not to order or print labels or packaging on the subject products bearing the phrase "No MSG Added" or to market or advertise them as such for a period of three years. [Order](#).

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