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April 22, 2016

Food & Consumer Packaged Goods Litigation

### **New Filings for April 22, 2016**

*Kremmel v. Pac. Foods of Or., Inc.*, No. 16L156 (Ill. Cir. Ct. – St. Clair Cnty.): Putative class action asserting a violation of the Illinois Consumer Fraud and Deceptive Business Practices Act and a claim of unjust enrichment. Plaintiff alleges that Defendant misrepresented certain of its non-dairy beverage products (Hemp and Hazelnut) as being "all natural" although they contain several synthetic ingredients, including Xanthan Gum and Riboflavin. [Complaint.](#) *Shihad v. Wild Planet Foods, Inc.*, No. 1:16-cv-1478 (N.D. Cal.): Putative class action asserting violations of California's CLRA, FAL, and UCL, and claims for breach of warranty (express and implied merchantability), fraud, and negligent misrepresentation. Plaintiff alleges Defendant's five-ounce canned tuna products are under filled and substantially underweight. [Complaint.](#) *Agles v. Kraft Heinz Foods Co.*, No. 3:16-cv-1552 (C.D. Cal.): Copycat putative class action asserting claims under California's UCL, FAL, CLRA, and for common law breach of express warranty. Plaintiff alleges that Defendant falsely advertises its grated parmesan cheese products as "100% parmesan cheese," when the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint.](#) *Condon v. Commonwealth Dairy, LLC*, No. 7:16-cv-2295 (S.D.N.Y.): Putative class action asserting violations of multiple states' consumer protection statutes and the Magnuson-Moss Warranty Act and raising claims for breach of warranty (express and implied) and unjust enrichment. Plaintiff accuses Defendant of falsely marketing its yogurt products as "All Natural" and/or "Only Natural Ingredients" although the products contain various artificial and synthetic ingredients, including Kosher Gelatin and Tricalcium Phosphate. [Complaint.](#) *Campana v. Kraft Heinz Foods Co.*, No. 1:16-cv-1529 (E.D.N.Y.): Copycat putative class action asserting violations of New York's consumer protection statutes and alleging common law breach of warranty (express and implied) and unjust enrichment. Plaintiff alleges that Defendant falsely advertises its grated parmesan cheese products as "100% parmesan cheese," when the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint.](#) *Envtl. Research Ctr. v. Nutrition 53, Inc.*, No. RG16-809437 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant's nutritional products contain lead. [Complaint.](#) *Hackman v. Colonna Bros. Inc.*, No. 2016CA002404B (D.C. Super. Ct.): Copycat putative class action asserting a violation of D.C.'s consumer protection statute and breach of warranty claims (express and implied merchantability). Plaintiff alleges Defendant falsely advertises its grated parmesan cheese products as containing "100% parmesan cheese," when the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint.](#) *Mattley v. Kraft Heinz Foods Co.*, No. 3:16-cv-1616 (N.D. Cal.): Copycat putative class action asserting violations of California's UCL and CLRA. Plaintiff alleges Defendant falsely advertises its grated parmesan cheese products as "100% parmesan cheese," when the products contain significant amounts of adulterants and fillers, including cellulose, a filler and anti-clumping agent derived from wood pulp. [Complaint.](#)

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