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Food & Consumer Packaged Goods Litigation

No Dismissal of False Advertising Claims Related to Chipotle's "Non-GMO" Representations

Reilly v. Chipotle Mexican Grill, Inc., No. 1:15-cv-23425 (S.D. Fla.): The Court denied in part Defendant's motion to dismiss this putative class action asserting violations of Florida's consumer protection statute and unjust enrichment. Plaintiff claims that Chipotle misrepresents that its products contain only non-GMO ingredients when, in fact, meat and dairy products sold at Chipotle come from animals raised on GMO-rich feed. First, the Court found that Plaintiff's allegations adequately conferred standing for damages claims, given that that Plaintiff had alleged that she purchased some of Defendant's food products containing GMO ingredients for personal consumption. However, the Court dismissed her claim for injunctive relief, finding that Plaintiff did not adequately plead that she was likely to suffer harm in the future. The Court then rejected Defendant's argument that Plaintiff's espoused definition of "Non-GMO" would not plausibly be held by any reasonable consumer, finding Plaintiff's proposed definition plausible enough at the pleadings stage to survive. Finally, the Court rejected Defendant's argument that the unjust enrichment claim must be dismissed because Plaintiff received the benefit of her bargain, noting that Plaintiff had sufficiently alleged that she expected the products to contain only meat and dairy products fed a non-GMO diet but received products that came from animals who had been fed GMO-rich feed. [Order](#).

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