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August 29, 2016

Food & Consumer Packaged Goods Litigation

## **New Filings For August 29, 2016**

*Berni, et al. v. Barilla S.P.A., et al*, No. 1:16-cv-4196 (E.D.N.Y.): Putative class action asserting a violation of New York GBL 349 and raising a claim of unjust enrichment, based on the claim that Defendants misleadingly market their "Whole Grain" and "Protein Plus" varieties of pasta by packaging them in boxes that are the same size as "regular" pasta, although the boxes have significant non-functional slack-fill. [Complaint](#). *Envtl. Research Ctr., Inc. v. Omega Protein Corp. et al*, No. RG16-825174 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant's dietary supplement products contain lead. *Envtl. Research Ctr., Inc. v. Grenade (U.K.) Ltd.*, No. RG16-825048 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant's dietary supplement products contain lead. *Haack v. Drew's LLC*, No. 7:16-cv-60222 (S.D.N.Y.): Putative class action asserting violations of multiple states' consumer protection laws on behalf of a national class, New York's consumer protection statutes on behalf of a New York subclass, and raising claims for breach of express warranty, fraud (under Vermont common law), and common law unjust enrichment. Plaintiff claims Defendant's salad dressings and marinades are deceptively marketed as "All Natural," although the products contain synthetic ingredients, including xanthan gum, lactic acid, and citric acid. [Complaint](#).

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