

[Blogs](#)

March 08, 2017

Food & Consumer Packaged Goods Litigation

Recent Significant Rulings

Preliminary Settlement Approved In Misleading Meat Substitute Suit [Birbrower v. Quorn Foods, Inc.](#), No. 2:16-cv-1346 (C.D. Cal.): The Court preliminarily approved a settlement in this putative class action involving allegations that the packaging of Defendant's meat-substitute products falsely represents that its main ingredient, mycoprotein, is the same or substantially similar to a mushroom, truffle, or morel, when in fact the products are actually made of mold. As part of the settlement, Defendant will disclose on its packages, in a prominently placed Allergy Warning, that its products contain mold. Defendant will also no longer represent or imply that its products are made of "mushrooms, truffles or morels." Defendant will establish a settlement fund in the amount of \$2.5M. Each class member may receive a full refund (with proof of purchase), or claim without proof of purchase "\$5 Per Month" for each month during the Class Period in which they purchased Defendant's Products, up to a cap of \$40 per year for each year of the five-year Class Period. Finally, from the settlement fund, Defendants will pay up to \$5,000 per class representative as incentive awards, and up to \$1,350,000 in attorney fees. [Order/Settlement agreement](#).

Court Dismisses Row About Japanese-Rooted, North American-Brewed Beer [Bowring v. Sapporo U.S.A., Inc.](#), No. 1:16-cv-01858 (E.D.N.Y.): The Court entered an order granting Defendant's motion to dismiss this putative class action, which involves claims for violations of the deceptive business practices and false advertising provisions of New York's General Business Law, and raise claims for negligent misrepresentation, fraud, and unjust enrichment. The Complaint alleges that Defendant has misled consumers into believing that Sapporo beer is a Japanese import, when it is produced in the United States and Canada. In granting the motion, the Court concluded that Plaintiff had not established that Defendant's conduct would mislead a reasonable consumer because Defendant clearly disclosed the product origin (in either Wisconsin, USA or Ontario, Canada) on its labels.

Authors



[Steven D. Merriman](#)

Partner

SMerriman@perkinscoie.com [206.359.3495](tel:206.359.3495)

Explore more in

[Food & Consumer Packaged Goods Litigation](#) [Food & Beverage](#)

Blog series

Food & Consumer Packaged Goods Litigation

Food & Consumer Packaged Goods Litigation shares timely insights into litigation developments, emerging arguments and challenges facing food and consumer packaged goods manufacturers and related industries.

[Subscribe ?](#)

[View the blog](#)