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Food & Consumer Packaged Goods Litigation

## **Dismissal for Failure to Plead Reliance in “Unlawful” UCL Class Action**

[\*Swearingen v. Pacific Foods of Oregon, Inc.\*](#), No. 3:13-cv-04157 (N.D. Cal.): The Court issued an order dismissing this ECJ action, which challenged Defendant's use of the term "evaporated cane juice" on the ingredient lists for its products. The order dismissed with prejudice Plaintiff's claims, which failed to plead reliance, and asserted violations of California's CLRA and UCL in light of the recent decision in *Brazil v. Dole Packaged Foods, LLC*, 660 Fed. Appx. 531 (9th Cir. 2016), which confirmed that reliance is required for those claims, including under the "unlawful" prong of the UCL.

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