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October 31, 2017

Food & Consumer Packaged Goods Litigation

### **New Filings - October 31, 2017**

[Salem v. Great Circle Family Foods, LLC dba Krispy Kreme Doughnuts](#), No. BC679634 (Cal. Super. Ct. – Los Angeles Cnty.): Putative class action alleging violations of California's UCL, FAL and CLRA. Plaintiff alleges Defendant made false statements about the amount of calories and sugar in its products. [Geffner, et al. v. The Coca-Cola Company](#), No. 1:17-cv-7952 (S.D.N.Y.): Putative class action for violations of New York's Unfair and Deceptive Business Practices and False Advertising provisions of the GBL, negligent misrepresentation, intentional misrepresentation/fraud, breach of express and implied warranties and for restitution. Plaintiffs allege the aspartame sweetener in Defendant's "Diet Coke" can actually cause weight gain and contribute to obesity. [Environmental Research Center, Inc. v. Blendfresh, LLC](#), No. RG17878877 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant fails to warn consumers that its vanilla plant-based protein powder and seed-fiber powder contain the carcinogen lead. [Environmental Research Center, Inc. v. Pines International, Inc.](#), No. RG17-879768 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant failed to warn consumers that its nutritional health products "The Wheat Grass People Pines Wheat Grass Juice Powder" and "Pines the Wheat Grass People Mighty Greens Superfood Blend" contain lead. [Environmental Research Center, Inc. v. Vollara, LLC, et al.](#), No. RG17-879765 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendant failed to warn consumers that its nutritional health products "Vollara RE:SULTS Perfect Start Combo which includes (1) Vollara RE:SULTS Live It Up Lemon Ice; and (2) Vollara Perfect Start Viva Vanilla Creamer," "Vollara RE:DUCE," and "Vollara Perfect Start Viva Vanilla Creamer" contain lead. [Berger v. Forager Project, LLC](#), No. 2:17-cv-06302 (E.D.N.Y.): Putative class action for violation of New York's Deceptive and Unfair Trade Practices Act and False Advertising provisions of the GBL, and raising claims for fraudulent misrepresentation, fraud, breach of implied warranty of merchantability and unjust enrichment. Plaintiff alleges Defendant juice company misrepresented its production methods, saying it made simply "cold-pressed juice" when in fact the juice was processed after it was pressed. [Schenk v. San-J International, Inc.](#), No. 17-L-614 (Il. Circuit Ct. – St. Clair Cnty.): Putative class action for violation of the Illinois Consumer Fraud and Deceptive Business Practices Act and raising a claim for unjust enrichment. Plaintiff alleges Defendant falsely advertised that its soup products were "all natural." [Environmental Research Center, Inc. v. Elemis Ltd., et al.](#), No. RG17-880587 (Cal. Super. Ct. – Alameda Cnty.): Proposition 65 action alleging Defendants fail to warn consumers that several of their nutritional health products, including Elemis Sp@home Vitality Body Enhancement Capsules, Elemis Invigorating Cal-Metab Plus Body Performance, Elemis Contouring Silhouette Body Performance and Elemis Cleansing Deep Drainage Body Performance contain lead.

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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.

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