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Weekly Notable Ruling Roundup



Our weekly roundup aims to keep our readers up to date on recent notable rulings in the food & consumer packaged goods space.

- ***Kasama Brand v. KSF Acquisition Corp. dba Slimfast***, No. 3:22-cv-00392-LAB-JLB (S.D. Cal. - March 17, 2023): The U.S. District Court for the Southern District of California dismissed a putative class action alleging defendant's *keto snack cup and snack gel shot* were labeled with false and misleading claims. Specifically, the plaintiff argued that the claims "Zero Sugar" or "Zero Added Sugar" was false or misleading when the products did not contain a disclaimer regarding whether the products were low- or reduced-calorie foods. The court held that a reasonable consumer would not be misled by the challenged labeling statements because the sugar claims are accurate. The court further held that the plaintiff's allegations had failed to identify an affirmative misrepresentation that could deceive or mislead a reasonable consumer into believing the products were actually low-calorie foods. [Order linked here.](#)
- ***Marykae Davis v. The Pur Co. (USA), Inc.***, No. 6:22-cv-06430-DGL (W.D.N.Y. - April 20, 2023): The U.S. District Court for the Western District of New York dismissed with prejudice a putative class action alleging that defendant's marketing of *peppermint chewing gum* misled consumers because it allegedly did not contain "any real peppermint" except at "trace or *de minimis* levels." The court held that the plaintiff's claim failed, reasoning that a reasonable consumer would not be misled by the word "peppermint" appearing on the package because reasonable consumers understand that the word "peppermint" indicates the candy's flavor, not that peppermint oil or extract provide the only source of that flavor. The court reasoned that any consumer confusion could be cured by reading the ingredient panel on the reverse of the package. [Order linked here.](#)

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