



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

- *Abraham Lizama, et al. v. H&M Hennes & Mauritz LP*, No. 4:22-cv-01170-RWS (E.D. Mo. - May 12, 2023): The Eastern District of Missouri granted dismissal of a putative class action alleging consumers are misled by the labeling of defendant's "Conscious" **clothing collection**. The court dismissed allegations on reasonable consumer grounds, holding that the court would not imply "sustainable" or "environmentally friendly" claims when these representations were not actually made by the company. Specifically, the court reasoned that "H&M states that its conscious choice garments contain 'more sustainable materials' and that the line includes 'its most sustainable products,'" and "[n]o reasonable consumer would understand this representation to mean that the conscious choice clothing line is inherently 'sustainable' or

that H&M's clothing is 'environmentally friendly' when neither of those representations were ever made." Opinion linked [here](#).

- **Alexander Hodorovych v. Dollar General Corp.**, No. 1:22-cv-03415 (N.D. Ill. - May 23, 2023): The Northern District of Illinois dismissed a putative class action alleging Dollar General falsely labeled its **lidocaine patch products** as "maximum strength" medication that provides "numbing relief" for "up to 12 hours." The court held that plaintiff's claims failed, explaining that a reasonable consumer would not be misled by the challenged labeling statements because "up to" statements establish "a ceiling, not a floor." Additionally, the court reasoned that reasonable consumers understand over-the-counter products are unlikely to be as potent as prescription products and would not interpret the phrase "numbing relief" to mean that the product completely numbs pain receptors, especially in light of the disclaimer that the product is meant to "temporarily relieve[] minor pain." Opinion linked [here](#).
- **Kristen Lesorgen v. Mondelez Global, LLC**, No. 3:22-cv-50375 (N.D. Ill. - May 19, 2023): The Northern District of Illinois granted dismissal of a putative class action alleging defendants packaging of their **mint gum** is misleading as the product contains artificial mint flavoring. The court held that plaintiff's claims failed as it would be "'unreasonable' to find that a reasonable consumer would expect there to be mint ingredients as opposed to mint flavor." Opinion linked [here](#).

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