



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

- ***Ryan Hardy v. Olé Mexican Foods, Inc.***, No. 0:22-1805 (2nd Cir. - May 22, 2023): The Second Circuit affirmed the district court's dismissal of a putative class action alleging defendant's ***tortilla products*** packaging misleads consumers into believing that the products originated from Mexico but were being made in the United States. The court held that plaintiff's claim failed, reasoning that no reasonable consumer would construe elements on the challenged packaging to be an affirmative representation that the products were manufactured in Mexico. Opinion linked [here](#).
- ***Brendan Abbott v. Golden Grain Co.***, No. 4:22-cv-01240 (E.D. Mo. – June 13, 2023): The Eastern District of Missouri dismissed a putative class action alleging packaging of defendant's ***rice pilaf*** product contains

nonfunctional slack fill. The court held plaintiff's failed under the reasonable consumer standard because a consumer acting reasonably would review product labels and see the product packaging disclosed its weight and fill line. Opinion linked [here](#).

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