



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

- ***Tara Amado v. The Procter & Gamble Co.***, No. 3:22-cv-05427-MMC (N.D. Cal. – June 8, 2023): The Northern District of California granted dismissal of a putative class action alleging defendant's ***fiber-powder dietary supplement*** is not heart healthy as represented due to the amount of sugar it contains. The court held that plaintiff's allegations failed as the numerous studies that plaintiff relied upon failed to support them. Further, the court ruled that plaintiff's claims were preempted because the challenged claims were structure/function representations since they discuss the general effects of fiber on the human body, not the product at issue specifically. Opinion linked [here](#).

- ***Beth Peacock Muller v. Blue Diamond Growers***, No. 4:22-cv-00707-RWS (E.D. Mo. – July 18, 2023): The Eastern District of Missouri court dismissed a putative class action alleging defendant deceived consumers by describing the flavor of its ***packaged almonds*** as "smokehouse" when in fact the flavor comes from artificial liquid smoke. The court held that the plaintiff's consumer protection claim failed, finding that a reasonable consumer would not plausibly be misled by the challenged labeling statements, reasoning that the ingredient listing of "natural hickory smoke flavor" would cure any ambiguity. The court also noted that the product's labeling did not describe the almonds as "smoked." Opinion linked [here](#).

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