



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

- ***Igor Zapadinsky v. Blue Diamond Growers***, No. 2:23-cv-00231-JPS (August 7, 2023): The Eastern District of Wisconsin court granted dismissal of a putative class action alleging defendant misled consumers by describing the flavor of its packaged almonds as "smokehouse" when the product used artificial liquid smoke instead of undergoing an actual smoking process in a "smokehouse." The court held that plaintiff's claim failed because a reasonable consumer would not be misled by the challenged labeling statements because a reasonable consumer would understand the challenged statement to convey how the product tastes, not describe a production process. Order linked [here](#).

- *Tasheba Barnett, et al. v. The Kroger Co. et al.*, No. 1:22-cv-00544 (September 11, 2023): The Southern District of Ohio granted dismissal of a putative class action alleging the defendants knowingly sold organic baby teething wafers that contained heavy metals. The court held that plaintiff's claim failed because they were unable to demonstrate that the defendants knew of any contamination with heavy metals. Further, though plaintiffs cited independent laboratory testing, they failed to produce a report or disclose sufficient details about the purported testing. Opinion linked [here](#).

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