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Notable Ruling Roundup



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

- *Deena Indiviglio v. B&G Foods, Inc.*, No. 7:22-cv-09545-VB (S.D.N.Y. – December 29, 2023): The U.S. District Court for the Southern District of New York dismissed a putative class action challenging the labeling and marketing of defendants' spreadable fruit as "All Fruit." Specifically, the plaintiff alleged that the "All Fruit" labeling is false and misleading because neither citric acid nor natural flavor "can reasonably be described as fruit." The court concluded that the plaintiff's own definitions of natural flavor and citric acid acknowledged that both may be derived from fruit. Accordingly, the court held that the plaintiff had not adequately alleged the product's packaging contained any materially false or misleading statements. Opinion available [here](#).
- *Jeffrey Craig, et al. v. American Tuna, Inc., et al.*, No. 3:22-cv-00473-RSH-MSB (S.D. Cal. – December 21, 2023): The U.S. District Court for the Southern District of California denied class certification to a plaintiff who alleged he was misled by defendants' claims that tuna products are "Caught and Canned in the USA," and "100% American Made," when the defendants allegedly catch much of their tuna outside of domestic waters. The court found that the sole remaining plaintiff failed to offer any evidence that he saw the advertisements he now claims were false, or even that he had purchased any of the relevant products. The court noted that the challenged labeling was on products in 2016 and 2017, but the plaintiff alleged he bought the products in 2022 and 2023. The court held that the plaintiff has not shown he has standing to bring the suit at all and ordered the plaintiff to show cause why the action should not be dismissed. Opinion available [here](#).

If you are a food or CPG company contact interested in receiving our daily email update on filings and notable rulings, please reach out to Kellie Hale with your request to be added: khale@perkinscoie.com.

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