



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

***Candice Bradby v. Bimbo Bakeries USA, Inc.***, No. 1:23-cv-00522-LKG (D. Md. – April 12, 2024): The District of Maryland dismissed a putative class action challenging the marketing and labeling of defendant's ***All Butter Loaf Cake*** as misleading. Plaintiff argued the "All Butter" representations leads reasonable consumers to believe the cake will contain butter as its main shortening ingredient and that the taste will only be from butter when the product's flavor is actually derived in part from other ingredients. The Court reasoned that plaintiff failed to plausibly argue sufficient facts to show that the "All Butter" representation would mislead a reasonable consumer and noted that the ingredient list on the back of the packaging discloses all the ingredients contained in the product, including "artificial flavors." As a separate basis, the Court also found that the federal Food, Drug,

& Cosmetics Act and its implementing regulations preempted plaintiff's state law claims. Opinion can be viewed [here](#).

**Mark Hayden v. Bob's Red Mill Natural Foods, Inc.**, No. 4:23-cv-03862-HSG (N.D. Cal. – April 16, 2024): The Northern District of California trimmed a putative class action alleging the marketing and labeling of defendant's **flaxseed meal products** are misleading. Plaintiff alleged that the products' representations prompted consumers to have the net impression of healthfulness when the products allegedly contain cadmium. While the Court concluded that plaintiff had Article III standing to pursue claims against the company, the Court concluded that plaintiff had not adequately alleged that a disclosure of the products' purported cadmium levels would be contrary to the net impression of healthiness supposedly generated by the challenged representations. The Court further concluded that the plaintiff had not established that the cadmium levels in the products created an unreasonable safety hazard or are unsafe for consumption. *Note: Perkins Coie LLP represents Bob's Red Mill Natural Foods, Inc.* Opinion can be viewed [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](mailto:khale@perkinscoie.com).

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