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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.

Carolyn Winans v. Ornuua Foods North America Inc., No. 2:23-cv-01198-FB-RML (E.D.N.Y. – April 23, 2024): The Eastern District of New York trimmed a putative class action complaint alleging the labeling and marketing of defendant's ***Pure Irish Butter*** as "pure" was false or misleading because it contains per-and-polyfluoroalkyl substances (PFAS). The Court dismissed plaintiff's claim seeking injunctive relief, finding plaintiff lacked standing to seek this form of relief because she was unlikely to be injured from the purported mislabeling again in the future. The Court concluded it plausible that a reasonable consumer reading the label could conclude that the word "pure" indicates the absence of contaminants, such as PFAS. The Court declined to adopt defendant's contention that the phrase "pure Irish butter" was not misleading since the term "pure" qualifies "Irish," not the dairy product itself. Opinion can be viewed [here](#).

In re Kind LLC "Healthy and All Natural" Litigation, No. 22-2684-cv (2nd Cir. – May 2, 2024): The Second Circuit affirmed summary judgment in a putative class action challenging the phrase "All Natural" on the labels of defendant's ***granola bar products*** as deceptive and misleading. Plaintiffs argued that the trial court had erred in excluding the findings of two of their experts. The appellate court concluded that the trial court did not abuse its discretion in excluding the expert reports and affirmed the lower court's finding that plaintiff had failed to present admissible evidence of what a reasonable consumer would expect of products labeled "All Natural." 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.

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